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IRVING  
TENNEY  
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IS GIVEN BY HIS  
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ONE HUNDRED YEARS  
OF THE MONROE DOCTRINE



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# ONE HUNDRED YEARS OF THE MONROE DOCTRINE

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1823-1923

BY  
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TO  
SARAH ELIZABETH THOMAS  
AND  
MARY AND ALBERT



## PREFACE

Nothing connected with the foreign policy of the United States has secured and maintained a stronger hold on the popular imagination than the Monroe Doctrine, yet comparatively few know what that "doctrine" really is. Perhaps this is sufficient justification for the publication of another book on the subject at this particular time, the one hundredth anniversary of its announcement. Another justification is found in the increasing importance of our foreign relations and the continuing hold which the Monroe Doctrine has upon the center of the stage in the carrying out of our foreign policy. One will not miss the truth far when he says that it always has been and "always will be" the heart and soul of that policy.

The so-called Monroe "doctrine" was announced simply as the policy of the Monroe Administration. At first it was sometimes referred to as Monroe's "pronouncement," sometimes simply as the "principles" in the message of December 2, 1823. Just when it was first referred to as a "doctrine" the writer has not been able to determine, but that expression has become crystallized and that, rather than "policy," is used throughout this book. While those who announced the doctrine put it forth as the policy of that administration and doubtless had no thought of the transcendent importance of the announcement to future generations, they at least consciously built it upon a historical



foundation, a foundation brief in point of time but solid in essential principles, and that is why it has endured.

This study was not undertaken with any idea whatever of propaganda. Before the work was begun, I, like most Americans, believed in the Monroe Doctrine, though never with any blind adulation of everything masquerading under that name. The study was undertaken with a sincere desire to get at the facts, wherever they might lead. They have led far afield, but not astray. Except that they have broadened a little in the direction of more interest in the welfare of our neighbors, the principles of the Monroe Doctrine are the same to-day that they were in 1823; the policies entered upon to carry out those principles have changed from time to time, whether always for the better or not the reader is left to judge. Upon our ability to broaden principles and to change policies to meet new conditions the future of the doctrine and of the nation will depend.

Numerous friends and strangers have helped in the preparation of this book. Among those who have replied to letters of inquiry or helped in the finding of material the following should be mentioned: Mr. Henry White, Mr. Oscar Straus, Mr. Elihu Root, Mr. Robert Lansing, and officials of the Department of State, the Pan-American Union, and the British and Uruguayan legations; also, Don Alfredo de la Huerta and Don Alejandro Alvarez; also, Mr. J. K. Turner, Mr. E. H. Gruening, Mr. Denys P. Myers, Mr. George A. Finch, Mr. S. Ralph Harlow, Mr. Ray Stannard Baker, Dr. J. F. Jameson, Professors H. G. James and Carl Russell Fish, my colleague Dr. T. G. Gronert, and the editor of the *North American Review*. For reading

and criticising the greater part of the proof I am under lasting obligation to Dr. N. A. N. Cleven, of the University of Pittsburgh, and to Professor Wm. E. Dodd, of the University of Chicago, for reading Chapters XI-XIV and XX. The above named gentlemen have helped to improve the book, but they are hereby absolved from all responsibility for its defects.

I regret that Cresson's "The Holy Alliance," the "Cambridge History of British Foreign Policy," and MacCorkle's "The Personal Genesis of the Monroe Doctrine" did not come to my notice until the book was in type. However, while they help to clarify some points, they would not have caused any considerable changes in the text. A few Spanish and Latin-American titles also came to my notice too late for use. As several of the chapters deal with very recent matters they are inevitably based on newspaper and magazine reports, that is, incomplete and possibly inaccurate material. For these parts I beg the kind indulgence of the reviewer.

The greater part of Chapter XIV appeared in the *Southwestern Political Science Quarterly* for December, 1922, parts of Chapters XVIII-XIX in the *North American Review* for April, 1923. For the privilege of republication I here wish to express my appreciation.

D. Y. T.

University of Arkansas,  
September 15, 1923.



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**ONE HUNDRED YEARS  
OF THE MONROE DOCTRINE**



# ONE HUNDRED YEARS OF THE MONROE DOCTRINE

## CHAPTER I

### HISTORIC BACKGROUND

#### I. THE POLICY OF NON-INTERFERENCE IN EUROPEAN AFFAIRS

As a general introduction to the subject which is to be treated in some detail we may say that the Monroe Doctrine, as proclaimed in 1823, contained three distinct features. The first was that the American continents were not open to any further colonization by European powers, the second, that any attempt to extend the European political system to this hemisphere would endanger our peace and safety, and the third, that it was our policy not to interfere in the internal concerns of European powers, but to cultivate friendship with them.

Taken as a whole the doctrine clearly implied that the western hemisphere was separate and apart and that the part to be played by European powers in its future was limited to the colonies then in their possession. In the other hemisphere the United States would not seek to play any prominent part. The idea that the United States should keep clear of European politics developed first.

The policy of isolation is almost as old as the nation. In 1781 Thomas Pownall, sometime colonial governor, in a "Memorial to the Sovereigns in America," reminded them that nature had given them physical isolation and that it was to their interest to have no "connections of politics with Europe other than merely commercial." The following year John Adams expressed to Oswald, the English peace commissioner, his fear that all the European powers would be maneuvering to work us into their imaginary balance of power. He declared that we should not meddle in European affairs and that the European powers should not allow it, if we wished to do so. Again and again the idea of isolation crops out in the discussions in the constitutional convention of 1787. After the convention had adjourned and Washington had gone home he wrote to Jefferson, who was then in Paris, expressing the hope that the new government would be efficient enough to bring the states together so as to keep them from forming "separate, improper, or indeed any connection with European powers, which could involve them in their political disputes." About the same time he wrote to Sir Edward Newenham that we should keep disengaged from the labyrinth of European politics and wars. He hoped that we could gain the respect of the Europeans and that we could minister to their wants without engaging in their quarrels.

With this general policy Washington's first secretary of state, Jefferson, was in full accord, though his sympathies with the French Revolution were more pronounced. It was this political upheaval which gave the policy of isolation its first real test. The treaty of alliance with France, by whose help we had gained our independence, was still in effect, and Genet came to

demand that we enter the war with France under that treaty. Now Washington believed that nations, as well as individuals, should keep their word. Did the treaty cover this case? If so, it certainly would embroil us in a European political turmoil. Anxious to do the right thing, he laid the case in all its phases before his cabinet. The result was the proclamation of neutrality, which was soon followed by the Neutrality Act of 1794. On the eve of quitting office he uttered words in his Farewell Address which are influential to this day:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little *political* connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils

of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.<sup>1</sup>

As President John Adams held to his earlier idea of aloofness, yet recognized that it was not altogether a simple problem, our relations with France were such that he felt it necessary to call a special session of Congress soon after his inauguration. In a special message to that body he said:

Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it if we can, yet to effect this separation, early, punctual, and continual information of the current chain of events and of the political projects in contemplation is no less necessary than if we were directly concerned in them. However we may consider ourselves, the maritime and commercial powers of the world will consider the United States of America as forming a weight in that balance of power in Europe which never can be forgotten or neglected. It would not only be against our interest, but it would be doing wrong to one-half of Europe, at least, if we should voluntarily throw ourselves into either scale.<sup>2</sup>

<sup>1</sup> Richardson, "Messages and Papers of the President," I, 222-3.

<sup>2</sup> *Ibid.*, 238.



While secretary of state Jefferson wrote to Pinckney (1792) that we had no wish to meddle with the government of Spain. He later wrote to William Short expressing a "perfect horror at everything like connecting ourselves with the politics of Europe." In his inaugural address he refers to the fact that we are "kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe." To his friend Thomas Paine he writes:

Determined as we are to avoid, if possible, wasting the energies of our people in war and destruction, we shall avoid implicating ourselves with the powers of Europe, even in support of principles which we mean to pursue. They have so many interests different from ours, that we must avoid being entangled in them.

This determination to "avoid implicating ourselves with the powers of Europe" and "being entangled" in their interests soon underwent a severe test. Jefferson had no love for the British, but Napoleon, the enemy of liberty and democracy, he hated more. The prospect of Napoleon as a neighbor on the southwest struck terror to his heart and he declared that the moment Napoleon took possession of Louisiana we must "marry ourselves to the British fleet and nation." Fortunately the course of events rendered the marriage unnecessary and Jefferson could again breathe easy in the assurance that we were "separated by a wide ocean from the nations of Europe and from the political interests which entangle them together."

The doctrine of two spheres appears full blown in a letter of Jefferson addressed to William Short (1820):

I hope he sees, and will promote in his new situation, the advantages of a cordial fraternization among all the

American nations, and the importance of their coalescing in an American system of policy, totally independent of and unconnected with that of Europe. The day is not distant when we may formally require a meridian of partition through the ocean which separates the two hemispheres, on the hither side of which no European gun shall ever be heard, nor an American on the other; and when, during the rage of the eternal wars of Europe, the lion and the lamb, within our regions, shall be drawn together in peace. . . . The principles of society there and here, then, are radically different, and I hope no American patriot will ever lose sight of the essential policy of interdicting in the seas and territories of both Americas the ferocious and sanguinary contests of Europe. I wish to see this coalition begin.<sup>3</sup>

But, six months before Monroe proclaimed his famous doctrine, Jefferson suggested to him a departure from the policy of isolation, though not quite as radical as that proposed in order to keep Napoleon out of Louisiana. As the possession of Cuba by Great Britain "would indeed be a great calamity to us," he thought it advisable to induce Great Britain to join us "in guaranteeing its independence against all the world, *except Spain*."<sup>4</sup>

As far back as the summer of 1818, Monroe asked John Quincy Adams, his secretary of state, to sound the British minister on coöperation in recognizing the independence of the Spanish colonies. Early in 1819 a proposition was made for the recognition of Buenos Aires, but nothing came of it. There were two reasons why England should not give the new states recognition. Though she had been the enemy of Spain for centuries, she became her friend after the advent of

<sup>3</sup> Quoted in Moore, "Digest of International Law," VI, 371.

<sup>4</sup> *Ibid.*, 385.

Napoleon. While not particularly friendly toward the despotic Ferdinand VII, it would have been a manifestation of an unfriendly disposition toward the Spanish people to recognize at this time the separation of the colonies. Another reason was that she was keeping an eye on the southward expansion of the United States.

By the opening of 1823 the situation was different. The Congress of Verona had met and had decided that France should restore the Spanish King to his despotic powers. This might mean French intervention in America to restore the colonies to Spain. Also, France might take some of the colonies as pay for her trouble. In either case, the trade of England would be injured. In the latter case, her old and still powerful rival would again become a real factor in America. Canning, secretary of foreign affairs, now talked of recognition and assured France that England had no designs on any of the Spanish colonies; he also tried to secure a like disclaimer from France, but without success. Instead he soon found, late in the summer, that circular letters had been issued inviting the powers to a conference at Paris to consider the question of the Spanish colonies. He then turned to Richard Rush, our minister to England, and sounded him on the possibility of concerted or joint action against any attempt of the Holy Alliance to subjugate the Spanish colonies. Our minister declined to commit himself, chiefly, he says, because of "the danger of pledging my government to any measure or course of policy which might in any degree, now or hereafter, implicate it in the federation system of Europe." However, Canning renewed the proposition several times and Rush transmitted his notes to Washington. By October 10 Rush was satisfied that

England had nothing in view but "ends of her own" for the realization of which she was seeking to use his "auxiliary offices as minister of the United States." Also, he felt that the independence of the new states, "for their own benefit," was "quite another question in her diplomacy. It is France that must not be aggrandized, not South America that must be made free." <sup>5</sup>

When Canning's proposition as transmitted by Rush was received by Monroe, he laid it before Jefferson and Madison and asked whether we should

. . . entangle ourselves, at all in European politics and wars, on the side of any power, against these, presuming that a concert by agreement, of the kind proposed, may lead to that result.

If a case could arise in which we would be justified in departing from the "sound maxim" of no entanglements in European politics, this seemed to be such a case, and he thought that we should meet the proposal of Great Britain.

Jefferson and Madison both approved of a joint declaration, the former saying that "we should sedulously cherish a cordial friendship" with England. Madison even wanted to issue a statement condemning the invasion of Spain and any effort to interfere with the Greeks in their struggle for independence of Turkey. The President's cabinet also, Adams excepted, favored a joint declaration, but disapproved of any pronouncement on European affairs. Adams vigorously opposed joint action, not so much because he feared entanglements, but because he believed Canning's chief motive

<sup>5</sup> *Amer. Hist. Rev.*, VII, 679, 691; Moore, VI, 391.

was to secure a pledge from the United States that she would not annex any of the Spanish dominions. Fortunately, Adams' view finally prevailed. Though the cabinet knew nothing of it when deliberating, Canning, convinced that he could get nothing from Rush, again tried France and secured (October 9) from Polignac a definite statement that France sought neither annexations of Spanish territory nor any exclusive advantages of trade. The note also declared that France had no intention of using force against the colonies. Satisfied with this, Canning dropped negotiations with Rush, though the last statement would have been of peculiar interest to him, but did not inform him of the contents of the memorandum until November 24, too late for it to become known in Washington before the President's message was made public.

Whilst the Canning-Rush negotiations were in progress and under consideration by the cabinet, an attempt was made, evidently with the approval of Adams, who wrote the notes (July 22, 1823), to secure joint action between the United States and Great Britain on the dispute with Russia over the ukase of 1821 claiming the fifty-first parallel as the southern boundary of Alaska. Probably the reason for doing so was to try to keep Great Britain from siding with Russia in objection to the proposition that the Americas were no longer open to new European colonies. Sir Charles Bagot, the English representative in Russia, certainly was led by Canning, possibly unintentionally, to believe that joint action was contemplated and he so informed Rush, but on reading his full powers he found that they related only to Russia's claim to exclusive right of navigation in the northern Pacific one hundred miles out from Alaska and that even on this he had no



authority for a joint agreement. He then wrote back for further powers, but before Canning replied Monroe's message was received in London and Canning now refused all joint action because he did not approve of the principle that the Americas were no longer open to European colonization.<sup>6</sup>

From the foregoing, it seems clear that the doctrine of no European "entanglement" was formulated, not as a permanent policy from which there should be no deviation, but as one from which, though good in principle, a departure would be amply justified when the occasion seemed to demand it.

## II. THE POLICY OF NO EUROPEAN INTERVENTION IN AMERICA

The natural corollary to the policy of American isolation was, no European intervention in America. This developed a little more slowly, but no less surely. At first it was concerned chiefly with colonial possessions, later with political systems.

About the same time that Washington was hoping that the new government would be strong enough to keep the states from forming "separate, improper" connections with European powers, Hamilton was bold enough to declare that

by a steady adherence to the Union, we may hope, ere long, to become the arbiter of Europe in America, and to be able to incline the balance of European competitions in this part of the world as our interests may dictate.

Our first concern about colonies related chiefly to their transfer from one power to another, especially

<sup>6</sup> Moore, VI, 415; Amer. State Papers, For. Rel., V, 437-8, 448-9, 462-3, 457.



from a weaker to a stronger power. Spain and England were the only powers which held territory contiguous to ours. The cession of Haiti by Spain to France in 1795 caused no particular concern. For more than a decade we had been trying to get Spain to recognize the thirty-first parallel as our southern boundary and to concede the right to navigate the Mississippi River. That year she signed a treaty granting these concessions and in 1798 evacuated our territory. But when the rumor spread that Spain had ceded the Floridas and Louisiana to France (1801) Rufus King, our minister to England, expressed to Lord Hawkesbury an opinion which was already pretty well fixed in America—"that we are contented that the Floridas remain in the hands of Spain, but should not be willing to see them transferred, except to ourselves."

Just before the rupture of the peace of Amiens (1803) by which Napoleon became involved in war with England, Mr. Addington said to Mr. King that, in the event of war, one of their first steps probably would be to occupy New Orleans.

I interrupted him by saying, I hoped the measure would be well weighed before it should be attempted; that, true it was, we could not see with indifference that country in the hands of France; but it was equally true, that it would be contrary to our views, and with much concern, that we should see it in the possession of England: we had no objection to Spain continuing to possess it, they were quiet neighbors, and we looked forward without impatience to events which, in the ordinary course of things, must, at no distant day, annex this country to the United States. Mr. Addington desired me to be assured that England would not accept the country, were all agreed to give it to her; that, were she to occupy it, it would not be to keep it, but to prevent another power from obtaining it; and, in

his opinion, this end would be best effected by its belonging to the United States. I expressed my acquiescence in the last part of his remarks, but observed, that, if the country should be occupied by England it would be suspected to be in concert with the United States, and might involve us in misunderstandings with another power, with which we desired to live in peace. He said, if you can obtain it, well, but if not, we ought to prevent its going into the hands of France; though, you may be assured, continued Mr. Addington, that nothing shall be done injurious to the interests of the United States.<sup>7</sup>

This foreshadows the idea of "dangerous to our peace and safety," though probably not in the sense which Monroe later had in mind.

Five years later Jefferson, in a letter to W. C. C. Claiborne, whom he had appointed governor of Louisiana, expressed the same satisfaction for Cuba and Mexico to remain dependencies of Spain and an unwillingness to see them become dependencies of either France or England, "politically or commercially."

As the contest between England and Napoleon waxed hotter the Americans became more and more concerned. They made no formal protest when England took over the French West Indies, but as Napoleon tightened his grasp upon Spain they kept a closer watch upon contiguous Spanish territory to keep it from falling into the hands of England. In 1810, a part of West Florida declared its independence, largely through the connivance of Americans, and was promptly annexed by the United States, in spite of the protests of Great Britain. In January President Madison communicated to Congress certain documents relating to Florida and said:

<sup>7</sup> Moore, VI, 371.

Taking into view the tenor of these several communications, the posture of things with which they are connected, the intimate relation of the country adjoining the United States eastward of the river Perdido to their security and tranquillity, and the peculiar interest they otherwise have in its destiny, I recommend to the consideration of Congress the seasonableness of a declaration that the United States could not see without serious inquietude any part of a neighboring territory in which they have in different respects so deep and so just a concern pass from the hands of Spain into those of any other foreign power.

He also asked for authority to take possession and govern, with or without the consent of the Spanish authorities, or in case they should be subverted.<sup>8</sup>

The message was read at a secret session and in secret session Congress promptly responded. "Taking into view the peculiar situation of Spain, and of her American provinces," and the influence which the destiny of territory adjoining the southern border of the United States might have upon their "security, tranquillity, and commerce," Congress resolved that the United States could not, "without serious inquietude, see any part of the said territory pass into the hands of any foreign power," and that "a due regard to their own safety" compelled them to provide, "under certain contingencies, for the temporary occupation of the said territory"—to be held "subject to future negotiations."<sup>9</sup>

It has often been contended that the Monroe Doctrine is merely an executive policy and that it has never been sanctioned by Congress. The above resolution certainly embodies a part of the Monroe Doc-

<sup>8</sup> Richardson, "Messages and Papers," I, 488.

<sup>9</sup> Moore, VI, 372.

trine and gives it official sanction, we may almost say, gives birth to this feature of it.

The policy of watchfulness was followed up without much waiting. In 1812 Amelia Island was seized and the country between the Pearl and Perdido was annexed to Mississippi Territory, Mobile being made a port of entry. Amelia Island was surrendered next year, but so much of the other territory as had been seized was not. The President being authorized by Congress to occupy and hold the rest of it, Mobile was now occupied. The situation was simply this: The United States wanted the territory. Spain was throttled by Napoleon, and Great Britain, with whom we were now at war, was seeking to get hold of the territory, as she claimed to hold it for Spain. In 1817 Amelia Island was reoccupied and Pensacola was seized in 1818. This was not done to secure against transfer to some other power, of which there was now no danger, but because of the lawless condition arising from the impotence of the Spanish authorities. Pensacola was evacuated in 1819, but Spain was now convinced that she could not hold the territory and signed a treaty delivering it to the United States.

Almost within sight of Florida lies Cuba, the "Pearl of the Antilles." The distracted condition of Spain and the activity of the Holy Alliance caused much uneasiness in regard to the fate of this island. Monroe and John Quincy Adams, his secretary of state, felt that it was "not competent to self-dependence" and that if separated from Spain it must depend either on Great Britain or the United States. The entrance of Great Britain into Cuba would be "an event unpropitious to the interests of this Union," and all disclaimers on the part of Great Britain of any intention

of seizing the island failed to allay their fears. When France was suppressing the revolutionary government in Spain a special messenger was sent to Spain, and a special agent to Cuba to find out the attitude of the Cubans. Jefferson, as we have already seen, suggested a joint guarantee with Great Britain for the sole purpose of keeping it out of British hands. If this should not be necessary, then it would be better, he thought "to lie still in readiness to receive that interesting incorporation when solicited by herself. For, certainly, her addition to our confederacy is exactly what is wanting to round our power as a nation to the point of utmost interest." <sup>10</sup>

<sup>10</sup> Moore, VI, 385.

## CHAPTER II

### THE IMMEDIATE BACKGROUND

#### I. THE IMMEDIATE LATIN-AMERICAN BACKGROUND

Except for Guiana and a few small islands, the peace of Paris (1763) left France without American possessions. Leaving out Russia (Alaska) three other powers, Great Britain, Spain, and Portugal, had large holdings in America. At the close of our Revolutionary War the situation was practically unchanged except that the thirteen colonies, extending to the Mississippi River, had become independent and Spain had recovered Florida. Beginning with Florida on the Atlantic the Spanish possessions fringed the Gulf and extended west and northwest, including Louisiana, to the Pacific. From the Oregon country her Pacific coast line was undisputed to Cape Horn. From the cape up to the Atlantic and around the Gulf of Mexico back to Florida she held sway except for Brazil (Portugal), part of Guiana, Belize, and some islands in the West Indies. We have already seen how she lost Louisiana and the Floridas. In the course of the Napoleonic Wars, Great Britain occupied a few places, but made no permanent gain of any consequence.

One of Napoleon's great ambitions was a great colonial empire. Failing in Santo Domingo, he sold Louisiana, but later sought to lay hands on the Spanish



and Portuguese possessions. The House of Braganza fled to Brazil and the Spanish King was driven out, but the British fleet stood between Napoleon and the colonies. An agent did get through to Buenos Aires, but his demand for acknowledgment of French authority was refused. Also, a British fleet was driven out.

Except for some results of the activity of Miranda, a native of Venezuela and revolutionist by trade, there was little disposition anywhere to revolt against Spanish authority. In 1811 a Venezuelan Congress led out in a declaration of independence and made Miranda dictator. However, he was unsuccessful in his struggle with the royalists and died in a Spanish prison.

Elsewhere the sentiment in the Spanish colonies was not particularly strong for independence. There were two outstanding grievances against the mother country, one economic, the other political. The restrictions on intercolonial trade and the restriction of foreign trade to the merchant ships of Cadiz constituted a real oppression. The exclusion of the creoles (Spaniards born in America) from political rights wounded them to the quick. After Napoleon overran Spain, Buenos Aires was practically independent, yet not until 1816, when it became clear that the restored Bourbon, Ferdinand VII, had learned nothing and that he intended to revive the old colonial system with all its restrictions, did she declare a formal separation. In 1813 Simon Bolivar, patriot, took up the work which the adventurer, Miranda, had started in Venezuela and under his leadership of the creoles the states of the northwest carried on a long-drawn-out struggle and finally, with some aid from England, secured their independ-

ence. The details of these struggles need not detain us. Sufficient here to say that by 1822 Spanish authority was recognized in few places on the continent. In 1821 the Emperor returned to Portugal and Brazil, refusing to be governed from Lisbon, set up an empire with Dom Pedro as ruler.

## II. THE POLITICAL SYSTEM OF EUROPE

After the second overthrow of Napoleon the leading powers formed two alliances of considerable moment, the Holy Alliance and the Quadruple Alliance. The first was born in the brain of Alexander I, Tsar of Russia, a religious mystic and at that time inclined toward liberalism. In this document the signatory sovereigns, having reached the conviction that they ought to be guided by the "sublime truths taught by the religion of God our Savior" invoke "the very holy and indivisible Trinity," and solemnly declare "their unchangeable determination to adopt no other rule of conduct, either in the government of their respective countries, or in their political relations with other governments than the precepts of that holy religion, the precepts of justice, charity, and peace." The King of Prussia signed in seriousness, the Emperor of Austria to avoid giving offense. The document was signed only by the sovereigns. As the King of England could not sign a document binding his country without the signature of a minister, Castlereagh found a way out by having the Prince Regent send a personal letter approving the principles of the treaty. Ultimately all the other sovereigns signed except the Pope and the Sultan. They were not invited, the former because he had too much authority in the Christian Church,

and the latter because he had none. This treaty certainly was not anti-liberal.

The Quadruple Alliance (Austria, England, Prussia, Russia) was formed to guarantee the throne of France to the Bourbons and to repress "French ideas." They were to hold a conference at the end of three or more years and thereafter at fixed intervals. Here was found in embryo the doctrine of the right of intervention, though now confined to France, the disturber of Europe for the last quarter century.

Between the signing of this treaty and the time for the meeting of the first Congress events happened in Germany and Russia which Metternich, prime minister of Austria, manipulated to bring Alexander over into the camp of the reactionaries. At the Congress of Vienna the German states had been promised liberal governments, or at least constitutions. Delay in granting these caused uneasiness and the liberals made a few demonstrations while the universities were in a ferment. As a counter measure Metternich got the Diet to sanction the Carlsbad Decrees providing for special representatives to watch the professors and students, seeing that the former did not "propagate doctrines harmful to public order or subversive of existing governmental institutions" and that the latter formed no secret societies. A rigid censorship of the press was established and a special commission was established to ferret out revolutionary societies and conspiracies with power to arrest any German.

With a pocket full of such facts and decrees, Metternich came to the first Congress of the Quadruple Alliance, at Aix-la-Chapelle, in October, 1818. France now appeared and asked to be received as a member. Metternich could easily steer the discussion on to the

suppression of revolution, wherever it occurred. Had Castlereagh and Wellington (an attack had been made on the life of Wellington as a reactionary) been free to act as they thought, they probably would have assented to the program of interference for repression, but liberalism was raising its head again in England and there were men in the cabinet who dared not disregard it. Chief of these was Canning, who looked upon the proposed concert as a combination of governments against liberty. He was willing to stand by the engagement already made to keep Napoleon out of France and to repress the Jacobins in France, but beyond that he was unwilling to go and his idea prevailed. The immediate result was the adoption of a somewhat meaningless resolution at Aix-la-Chapelle which each could interpret in his own way. This also marks the virtual withdrawal of England from the Quadruple Alliance.

But Metternich and Alexander merely awaited the occasion. It came first in Spain (1820), where King Ferdinand VII was forced to accept the constitution of 1812. Alexander at once proposed joint diplomatic action, demanding in no uncertain terms that the Cortez disavow the crime of March 8. But Canning was still in the cabinet and Castlereagh replied in no less uncertain terms that England would never agree to joint interference in Spain. Even France hesitated to act in opposition to England and refused to stir.

Metternich was more fortunate. Italy had been left under the domination of Austria. The revolution in Spain was soon followed by one in Naples and the King was forced to accept the Spanish constitution. Here was a fire at Austria's very door and it must be

put out. Castlereagh (Canning was now out of the cabinet) thought so, too, but insisted that it should be done by Austria alone. That suited Metternich and he would have been glad to march into Italy at once, but deferred to the wishes of Alexander, who wanted joint action, and called a conference at Troppau. England and France declined to take part, though their delegates attended as spectators. This left Austria, Prussia, and Russia, the original three of the Holy Alliance, and thereafter the schemes of repression were ascribed to that organization. Metternich already had Russia under his thumb. Although Alexander had proposed the policy of intervention at Aix-la-Chapelle he came to Troppau with a few remnants of his old liberalism. However, Metternich so worked upon his fears as to cure him of this. His doctrine of interference to repress resistance to the established order was accepted by Austria and Prussia and he allowed Metternich to take over the work of repression in Italy. Circulars were issued embodying the idea of intervention and England and France were asked to approve its application in Naples, though Metternich had no intention of waiting for such approval. Castlereagh denounced the doctrine, but England stood neutral in the contest with Naples. France offered no protest, but Louis XVIII tried to mediate between his Neapolitan kinsman and his subjects so as to avoid an invasion so distasteful to the French, all in vain.

Hardly had the revolution in Naples been snuffed out when another broke out in Piedmont, where the famous Spanish constitution was proclaimed. It was a small affair and an Austrian army was already on the border, but the Tsar was so alarmed that he or-



dered out 150,000 men. Here again the movement for freedom was soon crushed.

Spain still remained a sore spot. For a time the allies hesitated to act there in the face of the opposition of England, but Ferdinand VII finally appealed to them and a congress was called at Verona.

Castlereagh had died in the eve of setting out to this conference and was succeeded by the more liberal Canning as foreign secretary. Wellington, an old reactionary, was sent to Verona, but no doubt was instructed to oppose intervention. But, in spite of opposition, the pious princes adopted some very remarkable articles embodying the idea of repression.

*Article I.*—The high contracting powers being convinced that the system of representative government is equally as incompatible with the monarchical principles as the maxim of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to the system of representative governments, in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known.

*Article II.*—As it cannot be doubted that the liberty of the press is the most powerful means used by the pretended supporters of the rights of nations, to the detriment of those of Princes, the high contracting parties promise reciprocally to adopt all proper measures to suppress it, not only in their own states, but, also, in the rest of Europe.

There was also a third article about religion being a good thing to keep the people "in the state of passive obedience which they owe to their Princes" and promising to sustain the clergy in their work "so intimately connected with the preservation of the authority of Princes."<sup>1</sup>

<sup>1</sup> Hart, "The Monroe Doctrine," 46.



Now Liverpool, the prime minister, though he was a great reactionary and had secured the passage of some very repressive acts, knew enough English history to know that a religion of passive resistance had passed into active resistance and had placed on the throne the family of the present reigning prince, and Canning had little difficulty in leaving Verona without signing the articles given above.

The other powers, one of the French delegates dissenting, now agreed to put their doctrine in practice in Spain.<sup>2</sup> They began with identic notes demanding the restoration of the king to all of his powers. In case of refusal, which was expected, France was to enforce the demand with an army. There were those in France who did not like the job, and even Louis XVIII was willing to stop short of the demands of the three powers for the restoration of complete autocracy. When it became known that Angoulême, leader of the French army, might insist upon a limited monarchy, such as that of France under the charta, the ambassadors of the three despotic powers formed a coalition to prevent this. The result was the restoration of Ferdinand (summer of 1823) as an autocrat and the drenching of Spain with the blood of her people in satisfaction of his vengeance.

Such was the political system which had triumphed in Europe. The Spanish colonies were still outside its influence and they were marked for its next adventure. Small wonder that Monroe and his cabinet were alarmed at the prospect of the extension of such a political system in America.

<sup>2</sup> For the part played by Chateaubriand in persuading Louis XVIII to undertake the Spanish adventure and for his scheme for overturning Republicanism in America see W. P. Cresson in *N. A. Rev.*, 217:479 ff.

## III. RUSSIA IN AMERICA

In 1741 Vitus Bering, following out the projects of Peter the Great for explorations to the east of Kamchatka, discovered Alaska. From that time on it was occasionally visited by Russians in search of furs until 1790, when the Russian American Company took possession of it and established trading posts, though they never made any real settlements. In 1821 Alexander I, who was now running a close second to Metternich as a reactionary, issued a ukase claiming the territory down to the fifty-first parallel and forbidding foreigners to carry on commerce in that region or to navigate or to fish within a hundred Italian miles of the coast. As this included a bit of territory claimed by both the United States and Great Britain, naturally they both protested against the ukase. Russia expressed a willingness to settle the difficulty by diplomacy, but events moved more slowly in those days and it was not until the summer of 1823 that instructions were finally issued to Mr. Middleton, our representative in Russia, and to Mr. Rush, minister to England, for their guidance in settling the matter in dispute.

When the instructions were under discussion in the cabinet John Quincy Adams, secretary of state, declared that Russia's claims were inadmissible because she appeared to have no settlements in the disputed area. To Baron Tuvill, the Russian minister, he was far bolder and declared

that we should contest the right of Russia to *any* territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are

no longer subject to *any* new European colonial establishments.<sup>3</sup>

While the instructions (dated July 22, 1823) to our minister do not deny to Russia *any* territory on this continent, they do very clearly say that "the American continents, henceforth, will no longer be subjects of colonization." However, in a letter of observations accompanying the instructions to Mr. Middleton, Adams did say:

There can, perhaps, be no better time of saying, frankly and explicitly, to the Russian Government, that the future peace of the world, and the interest of Russia herself, can not be promoted by Russian settlements upon any part of the American continent. With the exception of the British establishments north of the United States, the remainder of both the American continents must henceforth be left to the management of American hands.<sup>4</sup>

#### IV. FORESTALLING THE HOLY ALLIANCE

Forestalling the Holy Alliance involved two steps, recognition of the new states and possibly active intervention in case an attempt should be made to subjugate them.

As the Latin-American states declared their independence they naturally sought and expected sympathy and recognition from the United States. An agent was unofficially received from Mexico, agents were sent to some of the would-be states, and a declaration was issued (1815) putting the United States in a position of neutrality. Early in 1817 Henry Clay

<sup>3</sup> Moore, VI, 412.

<sup>4</sup> *Ibid.*, 414.

began a fight for recognition, but the elder statesmen were more cautious. One effect of Clay's activity was the sending out of several agents (1820), chiefly commercial. As late as 1821 Adams said:

I had seen and have yet seen no prospect that they would establish free or liberal institutions of government.

One thing, perhaps the main thing, which caused delay was the Florida question. We had begun nibbling at the territory in 1810; in 1819 a treaty of cession was signed, but the Spanish government delayed ratification until 1821. With this out of the way and a favorable report from the agents who returned in 1822, Monroe was ready for recognition and asked Congress (1821-22) for appropriations for legations in Buenos Aires, Colombia, Chile, and Mexico. Congress responded by authorizing missions to such of the states as the President thought proper. A representative of Colombia was received June 17, 1822. By the end of 1823, practically all had been recognized except Haiti, Peru, and Paraguay.

What of the European powers? All parties in Spain, revolutionists and royalists, were united in their determination not to give up America. In France there was a desire for colonies and it was thought that some might be found in America. Of more consequence was the attitude of England. That country had profited immensely by the breaking of the Spanish monopoly on colonial trade and was loath to lose her gains. She was willing to see Spain conquer them, if she could, or to mediate and see them separated even on the basis of a treaty giving Spain preferential trade rights, but she would not sit idly by while other powers conquered

them for Spain or for themselves. The question of the colonies had been discussed at the Congress of the powers at Aix-la-Chapelle. At Verona King Ferdinand called on the powers to help him subdue the colonies.

After subduing the revolution in Spain, they would take that up. Now allied intervention in America would mean French intervention. Spain was no longer a serious rival of England. France had been, and might again become, a rival that would have to be reckoned with. That was too much for Canning (Castlereagh was now dead) and it marked the definite severance of the connection of England with the allies. Knowing the abiding interest of the United States in the question, Canning began to sound Rush on the question of concerted or joint action to block the Holy Alliance.

The United States had already recognized the independence of the Spanish colonies and Rush wanted to know if England was taking any steps, or contemplated taking any, to do the same. Canning replied that she was "on the eve of taking one," but not the final step. Waiving this question, he took up the possibility of France subduing the colonies, nominally for Spain, in reality for her own ends. In case she should meditate such a policy he was satisfied that "the knowledge of the United States being opposed to it, as well as Great Britain, could not fail to have its influence in checking her steps." As a basis of agreement on concerted or joint action he suggested (1) that the recovery of the colonies by Spain was hopeless, (2) that recognition of independence was only a question of time and circumstance, (3) that no impediment should be thrown in the way of amicable settlement, (4) "we aim not at the possession of any portion of them ourselves,"



(5) "we could not see any portion of them transferred to any other power with indifference." <sup>5</sup>

Three days later (August 23) Canning wrote to say that he had received news which ought to furnish an additional motive for coming to an understanding. The overthrow of the revolution was reported to be nearing the end, and on its completion a congress would probably be called to discuss the question of the American colonies. He added:

My government would . . . regard as alike objectionable, any interference whatever in the affairs of Spanish America, unsolicited by the late Provinces themselves, and against their will; . . . it would regard the convening of a congress to deliberate upon their affairs as a measure uncalled for, and indicative of a policy highly unfriendly to the tranquillity of the world; . . . it could never look with insensibility upon such an exercise of European jurisdiction over communities now of right exempt from it, and entitled to regulate their own concerns unmolested from abroad.<sup>6</sup>

This sounded like good doctrine to American ears, but Canning soon dropped the matter of joint action. The reason was that he received assurance from Polignac, the French minister, that his government thought the reduction of the Spanish colonies a hopeless task and that France had no intention of trying to appropriate a part of them. We have already seen why joint action was rejected by the United States.

A few conferences were held by Baron Tuyll, the Russian minister, and Secretary Adams on the question of recognition. The baron had heard that Colombia had appointed a minister to Russia and

<sup>5</sup> Moore, VI, 388-9.

<sup>6</sup> Hart, "The Monroe Doctrine," 53.



called to say to Mr. Adams that "faithful to the political principles which she observed in concert with her allies," Russia could not receive such an agent. He also expressed the satisfaction of his master with the action of the United States in declaring, when recognizing the independence of the South American states, that they had no intention of deviating from the policy of neutrality previously observed and that it was the wish and hope of his majesty that this policy would be continued. Adams remarked that the declaration had been made under the observance of a like neutrality by all the European powers to the same contest and added that,

... so long as that state of things should continue he could take upon himself to assure the baron that the United States would not depart from the neutrality so declared by them but that if one or more of the European powers should depart from their neutrality, that change of circumstances would necessarily become a subject of further deliberation on the part of the United States, the result of which it was not in his power to foretell.<sup>7</sup>

In another conversation Adams more specifically stated that the United States hoped that "Russia would on her part also continue to observe the same neutrality."

<sup>7</sup> Moore, VI, 398.

## CHAPTER III

### THE DOCTRINE ANNOUNCED

#### I. THE CABINET DELIBERATES

Beginning November 7, the cabinet held several sessions at which the European-American situation was discussed in detail. The main question was, should a warning be issued to the Holy Alliance against interfering in America. Closely related to this was the question whether, if the warning was issued, it should be done in concert with England. Calhoun's statement, made twenty-five years later, that the question of colonization was not discussed may be correct, if he had in mind only the Latin-American countries, otherwise it is unbelievable. On the contrary, the documentary evidence is against him, as will soon appear. Another question, purely domestic, was how far the action of the executive, if a warning should be issued, would be binding upon Congress.

The decision on the question of concerted action has already been explained. The discussion of the "political system" of Europe and how to prevent the Holy Alliance from extending it to America overshadowed all others. So far as intervention in America was concerned, the Tsar of Russia was the moving spirit of the Holy Alliance. We have seen that Adams had been discussing with Baron Tuyll both the question of recognizing the South American states, which

the baron objected to on the basis of the political system of Europe, and the matter of the Russian claims to Alaska. When asked categorically what he meant by the "political system which she observed in concert with her allies" the baron replied, "the right of supremacy of Spain over her colonies."

This, coupled with other things the baron had said, seemed to imply that Russia wanted the United States to pursue a policy of hands off in case of intervention. November 25 Adams submitted to the cabinet some "observations" on Baron Tuyll's notes, and it was agreed that he should send a note to Russia. As prepared by Adams the note contained a paragraph saying that a government to be lawful must be founded upon the consent of the governed. Some of Baron Tuyll's remarks could easily be interpreted as uncomplimentary to our systems of government, but Monroe thought this observation out of taste in a note addressed to Russia and it was omitted. In the note as sent Adams called attention to the fact that the United States had "studiously kept themselves aloof from European politics and had not sought by the propagation of their principles to intermeddle with the policy of any part of Europe." On the contrary, they had cultivated the friendship of monarchies. In conclusion he added:

that the United States of America, and their Government, could not see with indifference the forcible interposition of any European power; other than Spain, either to restore the dominion of Spain over her emancipated colonies in America, or to establish monarchical governments in those countries, or to transfer any of the possessions heretofore or yet subject to Spain in the American hemisphere, to any other European power.<sup>1</sup>

<sup>1</sup> Moore, VI, 401.

On the question of a warning in the President's message against intervention by the Holy Alliance, some thought this might lead to war. William Wirt, attorney general, did not believe that the people would support a war for the independence of South America. Calhoun thought that they would and expressed the belief that, if not resisted, the Holy Alliance would subdue all South America and then attack us. Adams did not fear any designs on the United States, but said that they might partition the colonies and recolonize them. In imagination he saw Russia in possession of California, Peru, and Chile, France in Mexico and Buenos Aires, and Great Britain, unable "to resist this course of things," in Cuba. Or, if the allies should make the attempt and Great Britain should oppose them alone successfully, this would throw the colonies into her arms. Therefore, the United States should act promptly and decisively. Whatever action the Executive might take Congress would still be free to act or not, according to circumstances.

The Adams view prevailed and the ideas contained in the note to Russia were incorporated in the President's message.

## II. THE DOCTRINE STATED

December 2, 1823, Monroe sent to Congress a message which has done more than all the other acts of his life to link his name indissolubly with the history of our country. The parts relating to the Monroe Doctrine are quoted in full.

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the

minister of the United States at St. Petersburg, to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal has been made by his Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.)

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. (The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect



from that of America. This difference proceeds from that which exists in their respective Governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States.) In the war between these new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed, by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. (Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal



concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power, submitting to injuries from none.) But in regard to these continents, circumstances are eminently and conspicuously different. (It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness,) nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. (It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference.) If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.<sup>2</sup>

### III. ESSENTIAL FEATURES

The fundamental principles of the Monroe Doctrine were stated at the beginning of Chapter I. The essential features of the doctrine as stated by Monroe may be given in nine paragraphs.

1. The American continents, being free and independent, are no longer open to colonization by European powers.
2. We have never taken any part in European wars and politics, nor does it comport with our policy to do so.
3. We shall consider any attempt by the European powers to extend their political system to any part of this hemisphere as dangerous to our peace and safety.
4. We have not interfered and shall not interfere with the existing colonies of European powers.
5. We shall consider any attempt by European powers to oppress or control in any other manner the free states of the Americas as an act unfriendly to the United States.

<sup>2</sup> Richardson, "Messages and Papers," II, 209, 217-9.

6. Our policy has been, and remains, not to interfere in the internal concerns of Europe, to recognize the *de facto* government as legitimate, and to preserve friendly relations, when possible with honor, with all.

7. Any attempt, in any form, to extend the European political system, which is not acceptable to the States south of us, to any part of this hemisphere, will endanger our peace and happiness.

8. The true policy of the United States is to leave the new states, which Spain can never subdue, to themselves.

9. We hope that other powers will also leave them to themselves.

The reader will notice that there is some repetition. Let us try to state the principles more briefly and in their natural relation to one another.

1. The American continents, being free and independent, are no longer open to colonization by European powers.

2. We have not interfered and shall not interfere with existing colonies of European powers.

3. Our policy has been, and remains, not to take part in the wars and internal politics of Europe, to recognize the *de facto* governments as legitimate, and to preserve friendly relations with all, when possible with honor.

4. We shall consider any attempt of the European powers to extend their political system, which is so different from ours, and is not acceptable to the people south of us, to any part of the hemisphere, or any attempt to oppress or control in any other manner the free states of the two Americas, as dangerous to our peace and safety.

5. The true policy of the United States is to leave the new states, which Spain can never subdue, to themselves.

6. We hope that other powers will also leave them to themselves.

As thus stated we have three groups. In each of these one is correlative to the other. Perhaps the second paragraph should be given first. It states our

policy of non-interference with European colonies. In return, Europe must not attempt further colonization in America. The second group states our policy of abstention from European wars and politics and demands European abstention from American politics. The third group states our policy of letting the other states of America work out their own destiny and warns European powers to do the same.

The casual student of the message may doubt if Monroe was consciously building up a doctrine of non-colonization and non-intervention as a unified American policy. The part relating directly to colonization is aimed solely at Russia and is separated from the other part by several pages relating to domestic affairs. But then, if the specific reference to colonization is found only in the paragraph relating to Russia, the doctrine or policy can very easily be found by implication in the other part, for example, in the phrase "interposition for the purpose of oppressing them, or controlling in any other manner their destiny." Certainly if Monroe was willing to protest against the conquest of colonies for Spain, he would not have allowed their conquest and retention by any other power to pass unnoticed.

On the matter of colonization there is one notable omission. We have seen that on several occasions prominent men, and at one time in Congress, went so far as to say that we would not look with indifference upon the transfer of certain provinces, even if made voluntarily. Writing to Hugh Nelson, our minister to Spain, April 23, 1823, Secretary Adams instructed him not to "conceal from the Spanish government the repugnance of the United States to the transfer of the Island of Cuba by Spain, to any other power." He

even went so far as to question the legal right of Spain "to make the cession, at least upon the principles upon which the Spanish constitution is founded."<sup>3</sup> Evidently he refers to the constitution which France was then crossing the border to overthrow. Whether Monroe approved of these instructions we do not know. Probably he did, but nowhere in the message do we find any direct reference to such doctrine. Indeed, it is only by a rather strained interpretation that we can find it by implication.

The doctrine of two spheres is found in the message, though it is not stated as clearly as it had been stated by Jefferson. The doctrine of peculiar interest is very clearly stated—"with the movement of this hemisphere, we are, of necessity, more intimately connected," but nowhere is there any statement of permanent interest, much less of paramount interest. Indeed, there is an express denial of any peculiar hegemony in the western hemisphere.

Whatever the Monroe Doctrine may be to-day, certainly there was little altruism in it in 1823. Our statesmen of that time undoubtedly had a friendly interest in the welfare of our sister republics, as they were called, though they were republics only in name, but nowhere do we see this standing out as a prominent motive of action. The paragraph of Monroe's message dealing with colonization gives no particular reason for objecting to new European colonies, but from the expressions of individuals, we know that there were two reasons: fears for our own safety and a desire for room for expansion. As for the political system, Monroe says more than once that it would be "dangerous to our peace and safety." Also, he says that the at-

<sup>3</sup> *Amer. Hist. Rev.*, VII, 680.

tempt to oppress the nations whose independence we had recognized would be "the manifestation of an unfriendly disposition toward the United States." In two different places Monroe refers to our policy of non-intervention in Europe, but he gives no reason for this policy. It was unnecessary to give any.

Nowhere in the message is there any appeal to international law in support of the doctrine, nor can the writer recall any reference to international law in any of the papers and correspondence that gave rise to it, except in the correspondence relative to Russia's extravagant claims to the exclusive right of navigation in the north Pacific one hundred miles out from Alaska. The Monroe Doctrine was simply a state policy, not a new element of international law.

Certainly no one, least of all Monroe, thought that the message was creating and fixing for all time a policy for our country. Monroe and his supporters were simply doing their best to meet a concrete situation.

#### IV. AUTHORSHIP <sup>4</sup>

Some writers have sought to give to John Quincy Adams practically all the credit for the Monroe Doctrine. Little needs to be added on that point just now. If the reader has followed carefully the preceding pages he already knows that the doctrine was not "struck off from the brain of man at a given time." Rather it represented a growth stretching over more than a quarter of a century. In fact, it is a congeries somewhat like the Homeric poems, which Peisistratus collected into one whole. I have an impression of

<sup>4</sup>This question is discussed fully, though not without some bias, by W. C. Ford in *Amer. Hist. Rev.*, VII, 676-96; VIII, 28-52.



having read somewhere that Jefferson was accused of plagiarizing the Declaration of Independence, and that in reply he did not claim to have evolved the whole thing out of his brain. But he was the author of it, and was proud enough of it to select it as one of the few accomplishments of his life to be named on his tombstone. In authorship he had simply gathered up ideas which men had been discussing some time and put X them into language which will never die.<sup>5</sup>

It has been, and is, customary for cabinet members not only to discuss the President's messages, but even to write paragraphs for it. Very likely Adams wrote the paragraph on Russian colonization. The fact that it is separated from the other parts of the doctrine leaves at least a reasonable doubt that he actually penned the latter, though it contains phrases closely akin to some which he had used, but it seems to be true that he had more to do with gathering up and formulating the ideas than did Monroe and that he was very influential in persuading Monroe to act upon them. As for authorship, then, we may say that Adams deserves far more credit for it than Peisistratus does for the authorship of the Homeric poems, but far less than Jefferson deserves for the authorship of the Declaration of Independence. Monroe certainly had a hand in it and with it his name is indissolubly associated. Indeed, we may feel certain that, had Adams been President and Clay secretary of state, the Adams Doctrine would have been less restrained, not to say more aggressive, in form.

<sup>5</sup>For a full defense of Monroe's part see MacCorkle's "The Personal Genesis of the Monroe Doctrine."



## CHAPTER IV

### CONTEMPORARY OPINION

#### I. IN EUROPE

What did the Holy Allies, against whom the Monroe Doctrine was directed, think of it and what was its immediate effect? Chateaubriand, the French secretary of foreign affairs, said that it "ought to be resisted by all the powers possessing either territory or commercial interests in that hemisphere."

A French newspaper, *l'Etoile*, thought it ridiculous that a republic only forty years old, situated on the eastern coast of North America, bounded by Spanish and British possessions, and of which Monroe was only the temporary President, should take all of the two Americas under her control. Metternich, prince of the reactionaries, thought the message in strict conformity with republican principles. It confirmed him in his opinion that "great calamities would be brought upon Europe by the establishment of these vast republics in the New World, in addition to the power of the United States, of whose views no man could entertain a doubt after reading the speech in question." He thought that no European power could be of "opinion (their commercial interests being secured) that the independence of America was desirable although circumstances might compel them to acquiesce in it." Von Gentz, another Austrian, was sure that if the return of the colonies,

either voluntarily or by conquest, ever had been possible, it was now out of the question and that this opposition of the United States, long in development and now openly declared, would alone be "sufficient to banish all thought of it." The Tsar was not convinced and opposed giving up, but in spite of his opposition, the French army was withdrawn from Spain. While Russia did not agree to get out of Alaska altogether—nor was any serious effort made with that end in view—she did agree with the United States to make  $54^{\circ} 40'$  the southern boundary (1824) and the following year made a treaty with Great Britain to the same effect.

In England the message was received, for the most part, with enthusiasm. Lord Brougham, leader of the opposition, said that nothing had ever "dispensed greater joy, exultation and gratitude, over all the free men of Europe." Canning, as we have already seen, did not admit of the non-colonization feature. In the same letter to Bagot, written after he had read the President's message, in which he expressed his opposition to this feature, he also said that, while the United States had recognized the independence of the Spanish colonies, Great Britain was still withholding such recognition. Possibly he had some idea of using the New World as a means of "redressing the balance of the Old," but the wind of opinion was blowing too strongly the other way and he trimmed his sails accordingly. Before reading the President's message he had called on France to explain her delay in getting out of Spain. Probably this had more to do with the withdrawal than the message did. December 31 he put in motion the steps for recognition (affecting only two states) which he had told Rush six months before

were then being initiated, and proudly boasted of an act which would "make a change in the face of the world almost as great as that of the discovery of the continent now set free." He also went on to say that, although the United States had "got the start of us," by recognizing independence first, the greater gain in the end would be to England. Three years later, in a flight of oratory in the Commons, he made the boast, with little basis of fact to support it, that he had "called the New World into existence to redress the balance of the Old."

Spain remained obdurate for some time. She protested against Canning's act of recognition, but was assured that *de facto* governments could not go on forever unnoticed.

## II. IN LATIN AMERICA

While Monroe's message was well received in Latin America it can hardly be said that there was any great enthusiasm about it, especially as separate from the policy of Great Britain. Both countries are named as friends and protectors, sometimes together, sometimes separately.

News of the message was received in the City of Mexico near the middle of February, 1824. A Mexican newspaper gave a brief statement of the policy against intervention, but seemed to consider the securing of recognition by Great Britain a matter of more importance. Another paper spoke in very high terms of Great Britain's influence in preventing intervention by the Holy Alliance. In his report to Congress (January 1, 1825) Señor Alaman, minister of foreign affairs, used several sentences in praise of England's

refusal to join the Holy Alliance for intervention and added: "Very similar also was the resolution announced by the President of the United States of North America, as set forth in his message presented to a former Congress."<sup>1</sup>

Central America seems to have given out few expressions on the message other than those copied from Mexican and Colombian papers. Haiti was somewhat peeved at not having been included by President Monroe.

Bolivar, leader of the movement for independence in northern South America, seems never to have made any direct reference to Monroe's message, though he often spoke of the help that England rendered his cause. The tendency to lean on England had been noted by Mr. Todd, our chargé d'affaires at Bogota. In a letter to Henry Clay (May 8, 1823) he said that the "hope of the public council is directed to Europe, and especially to Great Britain, in the vain delusion that by these powers alone their interests can be promoted." Santander, vice-president of Colombia and acting president in the absence of Bolivar, said that he read the message "with much pleasure" and that it was "eminently just and worthy of the classic land of liberty." However, even Santander had words of praise for England and as time went on the importance attached to her friendship increased, while that to the United States decreased.<sup>2</sup>

The situation in Brazil, which was not Spanish, was somewhat different from that of the other Latin-American countries. Her separation from Portugal was not violently resisted and England was instru-

<sup>1</sup> Lockey, "Pan-Americanism: Its Beginnings," 225-8.

<sup>2</sup> *Ibid.*, 243-6.

mental in securing the treaty by which Portugal recognized her independence. In 1823 the United States had not yet recognized Brazil's independence, consequently the message of December 2, strictly speaking, did not include her, as it did not include Haiti. However, Brazil manifested considerable enthusiasm for the doctrine announced and sought an alliance, possibly to give her assurance in the impending struggle with her neighbors to the south.<sup>3</sup>

A little later Rivadavia, President of Argentina, asked the United States to apply the doctrine in her defense against Brazil, stating that the close relationship between Brazil and Portugal made it applicable as against a European power, but Clay declined.

Extracts from the message were published in Buenos Aires February 9 and the next day our minister, Mr. Rodney, wrote enthusiastically about its reception and predicted that it would have "the happiest effect throughout the whole Spanish provinces." To promote this effect he had it translated and scattered abroad in Peru and Chile. Official mention was made of the message in May by the executive of Buenos Aires, who spoke of two principles which it advocated, the abolition of private war and the prevention of European colonization in America, but said nothing about non-intervention. Later in the year mention was made of the United States which had "constituted itself the guardian of the field of battle in order to prevent any foreign assistance from being introduced to the aid of our rival." In August, 1825, Mr. John M. Forbes arrived to fill the vacancy left by the death of Mr. Rodney more than a year earlier. On being received he restated the principles of Monroe's

<sup>3</sup> Lockey, *loc. cit.*, 250-4.

message. In reply General Las Heras, executive of Buenos Aires, said that his country recognized the importance of these principles and would avail itself of every opportunity to second their adoption by all the states of the continent.<sup>4</sup>

In Chile the message was regarded as a promise of protection against the designs of Europe, but England also was looked upon as a bulwark of protection. However, when our first minister, Mr. Henan Allen, arrived, he was received with great ceremony and when he told the Chileans that they need fear no alliance or coalition he was thanked for President Monroe's assurance of their safety.<sup>5</sup>

x Taking Latin America as a whole, Monroe's attitude does not seem to have been regarded as any more important than that of Canning. Indeed, as time went on, it became less important. This is not strange, considering that the policy was announced professedly for "our own peace and safety" and that President Adams, in the hope of winning the Senate's approval of sending delegates to the Panama Congress, weakened the inference of help that might reasonably have been drawn from the message by saying that each country was to maintain the policy for itself.

### III. IN THE UNITED STATES

Not very long after the message was made public an anonymous writer said that the pledge of the President might be "considered as sacred and permanent, so far as the warm and universal approbation of the country when it was given, may be regarded as cloth-

<sup>4</sup>Lockey, *loc. cit.*, 254-9.

<sup>5</sup>*Ibid.*, 260-1.



ing it with that character.”<sup>6</sup> Concerning the effects here Daniel Webster said:

One general glow of exultation, one universal feeling of the gratified love of liberty, one conscious and proud perception of the consideration which the country possessed, and of the respect and honor which belonged to it, pervaded all bosoms.

Henry Clay, who had just returned to Congress, after an absence of nearly three years, offered a resolution using substantially the language of Monroe, but considerable opposition developed to such a declaration, not because the announcement of the doctrine was unpopular, but because such an announcement by Congress, hard upon the President's declaration, might sound warlike. Besides, some were trying to couple with it the struggle of the Greeks for independence of Turkey. In consequence, Clay did not press his resolution.

A little more than a year later Clay became secretary of state under Adams. A few weeks later, in a letter of instructions to Joel R. Poinsett, our first minister to Mexico, he took occasion to restate the doctrine. He discussed the non-colonization feature and European interference with the political system, with the corresponding negative of each, in two separate paragraphs and closed saying that the President approved of the principles and asking Poinsett to urge upon the government of Mexico the “utility and expediency of asserting the same principles on all proper occasion.” It is hard to believe that Adams now thought that the policy which he had helped to formulate a short time ago had become in Clay's words, “principles

<sup>6</sup> *N. A. Review*, 13:174.

of intercontinental law," however well satisfied that the announcement of the doctrine had had "considerable effect in preventing the maturity" of the dangers of intervention. But no one yet asserted that it was a part of international law.

The calling of the Panama Congress (1826) was the occasion for more expressions on the Monroe Doctrine, though in this case they were for the most part indirect. Also political antipathies played so important a part in the discussion that in some cases it is difficult to judge of the sincerity of the views expressed. President Adams favored representation at the conference, his enemies opposed. In the end Adams secured the assent of Congress to the sending of delegates. After the vote had been taken, Van Buren, one of the opponents, is said to have remarked, "If he had only taken the other side, we would have beaten him."

As far back as 1822 proposals had been made in the far south for a congress of American states. This was repeated several times and in 1825 Colombia and Mexico issued invitations to a congress to be held at Panama the next year. Among the subjects named for discussion were concerted resistance against any effort of any power to help Spain reconquer her colonies, and opposition to colonization in America by any European power.

In his first annual message President Adams notified Congress that he had accepted the invitation and that commissioners would be appointed. Now the invitation to the congress plainly implied that the United States would be expected to agree to some policy of coöperation with the states referred to in the Monroe Doctrine. Although Adams had specifically said that the delegates would be commissioned "to attend at

those deliberations and to take part in them so far as may be compatible with that neutrality which it is neither our intention nor the desire of the other American states that we should depart" (*sic*), this does not seem to have satisfied his political enemies, who now raised objections on the score of the Constitution and of our policy of no "entangling alliances." <sup>7</sup>

The debate arose over the confirmation of the men nominated as delegates. The nominations were confirmed by a narrow margin, twenty-four to twenty, and the debates were then published. The question again came up over the bill to pay the expenses of the mission. President Adams now sent a special message (March 15, 1825) defining the purpose of the congress as he understood it. So far as it related to the Monroe Doctrine, he said:

The purpose of this Government is to concur in none [measures] which would import hostility to Europe or justly excite resentment in any of her States. Should it be deemed advisable to contract any conventional agreement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact to maintain the principle in application to its [*sic*] own territory, and to permit no colonial lodgments or establishments of European jurisdiction on its own soil; and with respect to obtrusive interference from abroad—if its future character may be inferred from that which has been and perhaps still is exercised in more than one of the new states—a joint declaration of its character and exposure of it to the world may be probably all that the occasion would require.<sup>8</sup>

It is hard to believe that this was a genuine expression of Adams' idea of the Monroe Doctrine, which he had helped to formulate. On the contrary, it seems likely that he intended to engage the United States

<sup>7</sup> Benton, "Thirty Years' View," I, 65.

<sup>8</sup> Richardson, "Messages and Papers," II, 335.

to defend the new republics. The message probably was called out by the fact that members of Congress were objecting to the mission on the ground that Colombia was expecting the nations represented at Panama to engage to support the Monroe Doctrine by their joint and united efforts. The President was simply trimming his sails in the hope of getting the measure passed. Senator Benton, one of the leaders in opposition, assures us that such had not been the common interpretation of the doctrine before that. He was disposed to ridicule this interpretation, which, instead of having us "stand guard over the two Americas, and repulse all intrusive colonists from their shores," now proposed that each should guard its own territories. This opinion of the doctrine now given by Adams met with the approval of Daniel Webster.

Randolph's caustic criticism of Clay, whom he virtually accused of manufacturing the invitation, resulted in a challenge, but there were no fatalities.

In the effort to secure approval of our participation in the conference, Adams laid much stress upon subjects which have no connection with the Monroe Doctrine. One of these was commerce, but he so colored this as to relate it to the doctrine. He declared that the independence of the Latin-American states had opened their commerce to us. The establishment of colonies in these states

would be to usurp, to the exclusion of others, a commercial intercourse, which was the common possession of all. It could not be done without encroaching upon existing rights of the United States.

Interfering with trade is, indeed, a good way to "endanger our peace and safety."



## CHAPTER V

### THE NON-COLONIZATION PRINCIPLE IN PRACTICE

#### I. BY THE EXTENSION OF BOUNDARIES

We have seen that the announcement that the American continents were no longer open to colonization was called out primarily by the Russian ukase of 1821, extending the boundary of Alaska to the fifty-first parallel. This difficulty was soon settled and in 1824 Russia made a treaty with us by which she agreed to recognize  $54^{\circ} 40'$  as her southern boundary. The following year she made a similar treaty with Great Britain.

The dispute between the United States and Great Britain over the northwest territory, including a part of that claimed by Russia, began soon after the acquisition of Louisiana, and some think that this really involved the Monroe Doctrine. The trouble was to agree upon a boundary which had never been fixed and this agreement was reached in 1846. It may be argued that this dispute involved the Monroe Doctrine as much as did that with Russia, for the latter turned on the location of a boundary. On the contrary, the position of England as a colonial power was secure and she was only seeking a boundary along lines commonly recognized in international practice—mountains and rivers. The position of Russia as a colonizing power in America was not fully recognized—



indeed, it was denied outright by Adams—and her claims had less basis of fact than did those of England. In the end Russia gave up all that was demanded; England gave up only a part. Some may claim that each represents a compromise on the non-colonization principle, since England kept a part of her claims and Russia did not get out altogether, but the writer does not take this view, as Russia had rights in Alaska.

The final result of our dispute with Great Britain about her position in Central America comes much nearer to the nature of a compromise. The struggle for territory in this region and the struggle for canal rights are inextricably woven together and will be treated together. Here it is sufficient to say that England had practically no legal claim to sovereignty over any territory in Central America when the Monroe Doctrine was proclaimed, but had a foothold in two places and later added a third and undoubtedly was at times disposed to assert sovereignty. The protests of the United States did not begin immediately after the announcement of the Monroe Doctrine and were somewhat weak in the time of the Mexican War, but later became more and more vigorous. Sometimes they were based directly on the Monroe Doctrine, sometimes on the policy of no monopoly on a canal route, but after 1850 more frequently on the Clayton-Bulwer treaty. In the end, England withdrew from the Bay Islands and the Mosquito coast, but retained Bluefields (now known as British Honduras) and even extended her boundaries beyond the meets of her original claim. The United States protested against this extension, but finally acquiesced.

★ Perhaps no controversy growing out of the Monroe Doctrine has ever excited the people of the United



States more, or brought us nearer war, than that growing out of the dispute between England and Venezuela over the boundary of British Guiana. Some writers have taken the position that the Monroe Doctrine did not apply to this case, a mere controversy over boundaries, but was dragged in by the hair of the head. Undoubtedly in the course of the controversy some positions were taken by President Cleveland and his secretary of state, Mr. Olney, especially the latter, which no one had ever dreamed of before as growing out of Monroe's ideas and which very few would maintain to-day, but these in no way affect the fundamental issue, the extension of territory by moving a boundary line. Acquisition of territory in this way is a violation of the non-colonization principle just as much as the acquisition of an entirely separate colony. It would also be extending *a* political system of Europe—there is no *the* political system of Europe to-day. If British Honduras were contiguous to the Mexican oil fields and Great Britain were to try to extend its boundaries so as to include them, there is no doubt that it would endanger the peace and happiness of the oil interests and our government would protest against such action in no uncertain terms. \*

The boundary between Dutch Guiana, which Great Britain took over in 1814, and the Spanish Captaincy General of Venezuela had never been settled. In 1840 Great Britain authorized one Schomburgh to determine and mark such a boundary, without any conference with Venezuela. When in possession of Schomburgh's report, Great Britain notified Venezuela (1844), but that government declined to settle on the basis of the Schomburgh line. By 1848 the report was current in the United States that Great Britain

had encroached on Venezuela to the extent of 180,000 square miles.<sup>1</sup> The question was then raised in the Senate whether this did not involve the Monroe Doctrine, but Senator Cass appears to have thought that it did not, though he did not say specifically that a real aggression by moving a boundary would not affect the principle. What he did say was that Monroe never meant to claim the right to regulate all American affairs so far as respected Europeans and that he expressly exempted existing colonies.<sup>2</sup>

In 1850 there was an exchange of notes between Great Britain and Venezuela in which each agreed not to encroach upon the disputed area. In 1857, a British agent was sent to Caracas to negotiate for a settlement of the dispute, but the Venezuelan government had fallen on evil days—chronic revolution—which lasted for nineteen years. In 1876 Venezuela renewed negotiations for a settlement and a little later asked for arbitration. Great Britain was willing to arbitrate all claims beyond a certain line, but Venezuela refused to agree to arbitration unless all the disputed territory was included. Early in 1881 the Venezuelan minister at Washington informed our government of certain British demonstrations at the mouth of the Orinoco which appeared to mean assertion of territorial rights. In reply, Secretary Evarts said:

that in view of the deep interest which the Government of the United States takes in all transactions tending to attempted encroachments of foreign powers upon the territory of any of the republics of this continent, this Government could not look with indifference to the forcible acquisition

<sup>1</sup>This was an exaggeration, for after further extensions west of the Schomburgh line, the total area of British Guiana in 1887 was only 109,000 square miles.

<sup>2</sup>Moore, "Digest International Law," VI, 533-4.

of such territory by England if the mission of the vessels now at the mouth of the Orinoco should be found to be for that end.<sup>3</sup>

A little later an appeal was made to the United States to interfere for her protection under the Monroe Doctrine, but Secretary Frelinghuysen thought the time inopportune for "applying that doctrine to a speculative case" affecting Venezuela and advised her not to arouse a discussion of the point. However, he soon offered the good offices of the United States to bring about arbitration, but nothing came of it.

In December, 1886, Secretary Bayard offered the good offices of our government and added that the "doctrines we announced two generations ago" had "lost none of their force or importance in the progress of time." This offer was declined by Great Britain, and Venezuela now broke off diplomatic relations with her. Efforts were made later by the United States to bring about a resumption of diplomatic relations and Venezuela sent an agent to London for that purpose but all efforts failed because Venezuela insisted that all the disputed area be submitted to arbitration.

From this time Washington became the center of action. February 22, 1895, Congress passed a joint resolution earnestly recommending to both powers that they "refer their dispute to friendly arbitration." July 20, Secretary Olney followed this up with a rather remarkable letter to Ambassador Bayard to be laid before the British government. In this he attempted to give a sort of running history of the Monroe Doctrine and of the Venezuelan boundary dispute and brought out some interesting facts and some disconcert-

<sup>3</sup> *Ibid.*, 539.

ing errors. The letter also contained some very remarkable opinions added as interpretations of, or additions to, the Monroe Doctrine. Among them the following are worthy of especial notice:

That distance and three thousand miles of intervening ocean make any permanent political union between an European and an American state unnatural and inexpedient will hardly be denied.

And the following:

To-day the United States is practically sovereign in this continent, and its fiat is law upon the subjects to which it confines its interposition.<sup>4</sup>

The foregoing were sufficiently out of taste, but other phrases may be found in the letter which look almost as if the communication were intended as a studied insult. The surprising thing is the courtesy of Lord Salisbury's reply—but he had waited four months. In one letter of November 26 he corrects some of Mr. Olney's misstatements and gives a connected history of the controversy with Venezuela, though with some omissions. Another letter of the same date is devoted to the Monroe Doctrine and to the Olney and the British interpretations thereof. In the latter he takes the position that the Monroe Doctrine does not apply.

Great Britain is imposing no "system" upon Venezuela, and is not concerning herself in any way with the nature of the political institutions under which the Venezuelans may prefer to live. It is a controversy with which the United States have no apparent concern. The disputed frontier of Venezuela has nothing to do with any question

<sup>4</sup> Moore, VI, 551.

of the colonization by a European power of any portion of America. It is not a question of the imposition upon the communities of South America of any system of government devised in Europe. It is simply the determination of the frontier of a British possession which belonged to the Throne of England long before the Republic of Venezuela came into existence.

Several references by Secretary Olney to the Monroe Doctrine as "public law" in the United States seem to have misled Lord Salisbury into thinking that he meant to say that it was a part of international law and the prime minister spends some time in denying this.

A few days after Lord Salisbury's letter was received President Cleveland sent a message to Congress (December 17, 1895) in regard to the matter. The first part of this is argumentative, seeking an answer to Salisbury's lines of reasoning. The contention that the doctrine, however good it was in Monroe's day, was inapplicable "to the state of things in which we live to-day" he dismissed by saying that it was

strong and sound because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of government. It was intended to apply to every stage of our national life, and cannot become obsolete while our Republic endures.

On the contention that this is a mere boundary dispute and involves no extension of the European political system he says:

If a European power, by an extension of its boundaries, takes possession of the territory of one of our neighboring



republics against its will and in derogation of its rights, it is difficult to see why to that extent such European power does not thereby attempt to extend its system of government to that portion of this continent which is thus taken. This is the precise action which President Monroe declared to be "dangerous to our peace and safety," and it can make no difference whether the European system is extended by an advance of frontier or otherwise.

As for the doctrine not being a part of international law, he assumes that every nation is entitled to the rights belonging to it, that the enforcement of the Monroe Doctrine is something we may justly claim and that while it may not have been admitted in so many words to the code of international law, it

finds its recognition in those principles of international law which are based upon the theory that every nation shall have its rights protected and its just claims enforced.

In the second part he says that the United States has "labored faithfully for many years to induce Great Britain to submit the dispute to impartial arbitration," that Great Britain has refused all such overtures and that the only thing left to do is for the United States to take the measures necessary to find out the true divisional line. In closing he said:

When such report is made and accepted it will in my opinion be the duty of the United States to resist by every means in its power as a willful aggression upon its rights and interests the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which after investigation we have determined of right belongs to Venezuela.

In making these recommendations I am fully alive to the responsibility incurred and keenly realize all the consequences that may follow.



I am nevertheless firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor beneath which are shielded and defended a people's safety and greatness.

\* The country, the world, was astounded. This was little short of a call to war in defense of a doctrine, but the country rallied almost unanimously to the President's support. Congress passed a law appropriating money to pay the expenses of making the investigation and the commission was appointed for the work.

When we were demanding the withdrawal of England from Central America Palmerston said that she could not retreat with honor. Salisbury now gracefully agreed to arbitrate, thus adding immensely to his own honor and that of England.

It only remains to say that in the end the arbitrators awarded to England by far the larger part of her claims.

Recently a writer on public affairs declared that "when President Cleveland prevented the British from forcibly establishing a boundary line in Venezuela, he did something that Monroe never dreamed of."<sup>5</sup> We cannot tell to-day precisely what Monroe was dreaming of, but we cannot believe that he would have remained silent, had he become convinced that Great Britain had in mind any serious encroachment upon Venezuelan territory through "forcibly establishing

<sup>5</sup> Bullard, "The A B C's of Disarmament," ch. II.

a boundary line in Venezuela." The world knows something of how such lines have been established in Asia. Had the line been established in Venezuela without protest, it might ultimately have been established in Colombia. This certainly would have endangered "our peace," if not our "safety," while dreaming of a canal at Panama.

## II. BY RECONQUEST BY THE MOTHER COUNTRY

Until the struggle for independence was really ended the United States offered no objection to any effort that Spain might make by herself to reconquer her colonies, maintaining a position of neutrality all the while, but when independence was once fully established she let it be known that while Spain might make war on her former colonies for just cause, she would not be allowed to resubjugate them.

The first apparent test of this cause came in 1858 when a rumor reached the United States that military and naval forces were preparing to leave Spain for Mexico with a view to acquiring a political hold on the country. Secretary Cass at once wrote our minister in Spain, saying that we would not sit in judgment on the cause of the war nor interfere in it, but clearly intimating that we would interfere to prevent any permanent subjugation. After this letter had been sent, the Spanish minister called to say that the expedition was intended merely to protect persons and property and that no conquest was intended.<sup>6</sup>

A few days before the bombardment of Fort Sumter Secretary Seward received news that the Spanish authorities in Cuba had subverted the republic of Santo

<sup>6</sup> Moore, VI, 477 f.

Domingo with a view to annexing it to Spain. He at once reminded the Spanish government of our traditional policy of preventing Cuba and Porto Rico from falling into the hands of a hostile power and notified her that they must not be used as a base of operation to subjugate any Spanish American state. If this should be done the President would be obliged to regard such an act "as manifesting an unfriendly spirit toward the United States and to meet the attempt with prompt, persistent, and, if possible, effective resistance."<sup>7</sup>

All warning proved unavailing and in July the Spanish minister announced the annexation of the island. Apparently no more protests were made. When Mr. Schwartz, our minister to Spain, asked for instructions he was informed that internal troubles had prevented a formal answer and that the subject had been passed over to the deliberations of Congress at its next regular session. Meantime, as Spain had observed our sovereignty by respecting our blockade and closing her ports to the insurgent privateers, he might open negotiations for revision of the commercial treaty.

But the Dominicans resisted and resisted so effectively that the Spanish press called (1863-64) for the abandonment of the island. This was done in April, 1865, a few days after the surrender of Lee at Appomattox. Had the abandonment been delayed much longer, Seward probably would have renewed his protests in more vigorous language.

When war broke out between Spain and Peru and other states on the west coast of South America in 1864 our officials feared that Spain intended to reduce

<sup>7</sup> Moore, VI, 515 f.

Peru to subjection. This fear was partly due to representations of Spain that she had never acknowledged the independence of Peru. But when informed that the United States would not "regard with indifference" any attempt to reconquer and reannex Peru, Spain replied that she had no intentions of doing so. In June, 1866, the Spanish minister gave notice that his government had authorized the commander of the Pacific squadron to occupy the Chirica Islands, respecting the contractual rights of citizens of neutral countries to trade there. He added that his government had no intention of acquiring territory, but only wanted to take important resources from the enemy and to recover some of its losses in the war. Thereupon Seward informed him that if his government persisted in this course the United States could not be expected "to remain in their present attitude of neutrality," and Spain then desisted.<sup>8</sup>

\* It is a notable fact that, although Seward based his action in the foregoing cases on our traditional policy, neither in these nor in the protest against French interference in Mexico did he ever directly mention the Monroe Doctrine.

### III. BY CONQUEST OR OCCUPATION

The first settlement in the Falkland Islands was made by the French in 1764, but the following year their rights were sold to Spain. The same year (1765) a British colony was established there. In 1771 Spain abandoned the islands and Great Britain did likewise in 1774. In 1829 the republic of Buenos Aires claimed the islands and sent out officials to take possession. For some time Americans had been resorting there to

<sup>8</sup> Moore, VI, 507-8.

capture fur seals. In 1831 three American vessels engaged in taking seals there were seized and their crews imprisoned by the governor of the island. The American consul at Buenos Aires (our chargé d'affaires had died shortly before this) protested against these acts, but the minister of foreign affairs defended them. When President Jackson heard of the trouble he dispatched Captain Duncan, of the U.S.S. *Lexington*, with orders to protect American interests. The captain retook the vessels and released the prisoners and demanded of the government of Buenos Aires that it surrender the governor of the islands, Vernet, to be tried on charges of piracy and robbery, or that he be punished by Buenos Aires. When the foreign minister protested against Captain Duncan's acts and future plans our consul notified him that our government had given instructions to remonstrate against any measures of Buenos Aires imposing the slightest restraints on Americans fishing in the Falkland Islands. Our consul was then notified that because of the "aberration of ideas" and the "irregularity of language" in his notes the government would have no further dealing with him. However, a few days later our consul sent the minister of foreign affairs a letter from Captain Duncan stating that he would deliver up the prisoners held by him on receiving assurance that they had acted by authority of the government.<sup>9</sup>

Before these passages at arms were known in Washington a new chargé d'affaires, Mr. Baylies, was appointed. In making out instructions to him Secretary Livingston entered into a lengthy hypothetical argument to show that the acts of Vernet could not have been authorized by the government of Buenos Aires

<sup>9</sup> Moore, I, 876 f.



and gave him "hypothetical" instructions on procedure. The right of Americans to fish in the Falkland Islands was defended on historical grounds, dating back to colonial days, and on international law. If the acts of Vernet were disavowed, then he was to defend Captain Duncan's seizure of the vessels, and to give orders to the commander of the squadron to break up the settlement and bring Vernet to Buenos Aires for trial. No instructions were given on what to do if Vernet's acts were not disavowed, but on the matter of fishing rights he was to "use firm but not irritating language," for we wanted a commercial treaty.

About three weeks later, additional information having been received from our consul, Mr. Baylies was further instructed that if Buenos Aires did have jurisdiction, she had "no right so to use it as in any way to interfere with our right of fishery, established by long usage," and above all to use it in the irregular manner in which she had used it, as established by affidavits. Again he was instructed not to let this incident become an obstacle to the negotiation of a commercial treaty.

Mr. Baylies arrived in Buenos Aires in June, 1832, and on July 10 presented to the government a long note attacking its claims to the Falkland Islands, asserting our right to the fisheries, and demanding reparation. The foreign secretary replied in a long note defending the claims of his government to the islands, sustaining the acts of Vernet, and demanding reparation for the acts of Captain Duncan. Mr. Baylies then demanded his passports, which, with considerable reluctance, were delivered to him.

If the acts of Vernet were such as described by Secretary Livingston, "imprisoning the crews; leaving



part of them on desert islands; sending others to foreign parts; forcing others into his service; encouraging in desertion from our vessels; robbing those which (*sic*) he seized of their cargoes," he certainly deserved to be punished by Buenos Aires, but any commander should have hesitated to break up his "piratical band" until apprised of the attitude of the government he claimed to represent. The acts of Captain Duncan were never disavowed, but they were declared unlawful by an American court.

At the opening of the following year (1833) Great Britain occupied the islands and refused to give them up on the claim of Buenos Aires. A protest was now lodged with the United States and the loss of the islands was laid to the acts of Captain Duncan in driving out the Argentine officials. The act of Great Britain was also said to be a violation of the Monroe Doctrine. Several years later (1841) Daniel Webster, then secretary of state, declared that Great Britain's claim was "long antecedent to the acts of Captain Duncan" and declined to take any part in the controversy. In 1853 the British government notified the government of the United States that it was going to stop the killing of wild cattle on the island by our citizens. Complaint was made to the British government of its acts in dealing with one offender, but a warning was issued to our citizens. Secretary Marcy told the British minister of this warning, but added that it "said nothing about the sovereignty" of the islands and also that "while it claimed no right for the United States," it conceded none to Great Britain or any other power. He also complained of the pretensions of the authorities there to exclude our citizens from fishing rights. To this Lord Clarendon replied in

a cavalier fashion that the matter was not open to discussion. Soon after this the discussion ended.

But the Argentine government was not satisfied. In 1885 it claimed of the United States indemnity for the acts of Captain Duncan and the consequent loss of the islands to Great Britain. Secretary Bayard quoted Webster as given above, and declared that the Monroe Doctrine was not involved and that the United States would not be a party to the dispute.<sup>10</sup>

There is a recognized principle of prescriptive right by which a nation acquires a title to territory by adverse possession extending over a long time, for "time immemorial." In 1897 Great Britain and Venezuela agreed upon fifty years as confirming possession. The law respecting the loss of title to territory through abandonment is that it must have been abandoned in purpose and in fact, without hope of returning. Great Britain certainly abandoned the Falkland Islands in fact in 1774 and seems not to have had any thought of returning until the United States had driven the Argentines out, a lapse of more than fifty years.

In 1895 Great Britain "reoccupied" the island of Trinidad, in the South Atlantic, which she had held for a brief time in 1700, but Brazil protested so vigorously, showing conclusively the insecurity of the British claims and the validity of her own, that the island was relinquished without any appeal to the United States under the Monroe Doctrine.<sup>11</sup>

In 1861 Great Britain, France, and Spain signed a treaty agreeing to send a joint force to Mexico for the collection of certain claims. They informed the United States and forwarded a copy of the treaty. As

<sup>10</sup> Moore, I, 298, 889.

<sup>11</sup> *Ibid.*, 299.

they bound themselves in the second article not to seek any acquisition of territory or any peculiar advantage, Secretary Seward did not deem it necessary to make any comment on this phase of the expedition, though he wrote at length on other features treated elsewhere in this volume.

#### IV. THE CASE OF HAWAII

In Monroe's time our territory touched the Pacific, but we then knew very little of the far west and the Pacific Islands. The non-colonization principle, as we have seen, was aimed primarily at Russian aggression in Alaska. The Hawaiian Islands (Sandwich Islands, as they were then called) were known in Monroe's day to traders, but somewhat imperfectly in political circles. Whether they be considered a part of America,<sup>12</sup> as some claim, or not, we gradually developed a policy toward them which is substantially the Monroe Doctrine, though never called by that name.

From 1787, when some Boston fur traders first visited the islands, the commercial relations between the two countries were continuous. The interest of the United States in the future of the Hawaiians was further strengthened through American missionaries, who went there in 1819.

Other countries were also interested. In 1794 Vancouver, on his third visit to the islands, called a council of the chiefs and persuaded them to acknowledge themselves as subjects of the King of Great Britain.

<sup>12</sup> In 1881 Secretary Blaine invited the King of Hawaii to send delegates to the first International American Conference.

A copper plate was prepared in commemoration of this cession, but the French Revolution was then absorbing the attention of Great Britain and she paid no attention to this new acquisition. In 1815 the governor of Alaska raised the Russian flag on one of the islands, but the chief of the largest island, who was called king, compelled him to leave. Also, the Tsar refused to ratify his act.

In 1820 the United States sent John C. Jones to the islands as "agent of the United States for commerce and seamen." Five years later Great Britain sent out a consul general. In 1826 Captain Thomas and J. C. Jones negotiated a treaty with the king. This granted certain trade privileges to Americans and acknowledged the jurisdiction of the Hawaiian courts over Americans resident there. This last provision, which was not accorded to Japan for many years, is a splendid testimony of the progress of the natives since their conversion to Christianity. Although the treaty was not submitted to the Senate, it was observed by both parties.

In 1839 the Catholics tried to get a foothold in the islands, but the king opposed their coming. The priests charged the Americans with causing the trouble and appealed to France. In response a French war vessel came and demanded freedom for the Catholics, the delivery of \$20,000 as a pledge, and the modification of the prohibition law so as to admit French wines at five per cent duty. In the absence of the king, who was visiting another island, the commander forced the prime minister to sign under a threat of war. In this he was only extending somewhat the example of a British commander who had "negotiated" a treaty under the muzzle of his guns the year before.

Following the advice of Sir George Simpson, governor of the Hudson Bay Company, the king now sent commissioners to England, France, and the United States to make an appeal for fair treatment and acknowledgment of independence. In response to the commissioners at Washington, one of whom was a native of Hawaii, Daniel Webster, secretary of state (1842), expressed a warm interest in their report. The government, he said, rested on the choice of the people and suited their condition, and, he added:

The President is of opinion that the interests of all commercial nations require that that Government should not be interfered with by foreign powers. Of the vessels which visit the islands, it is known that the great majority belong to the United States. The United States, therefore, are more interested in the fate of the islands and of their Government than any other nation can be; and this consideration induces the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands ought to be respected; that no power ought either to take possession of the islands as a conquest or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive privileges or preferences with it in matters of commerce.<sup>13</sup>

In a special message to Congress President Tyler, in paragraphs prepared by Webster, elaborated on this idea and declared that any attempt "to take possession of the islands, colonize them, and subvert the native Government" would "create dissatisfaction on the part of the United States." He did not see any necessity for a treaty or for a diplomatic mission; however, Congress provided for a diplomatic agent.

<sup>13</sup> Moore, I, 476.



Sir George Simpson went to England in person and when the commissioners, who had stopped in Washington, joined him they had little difficulty in inducing England to acknowledge independence and France was finally brought around after an explanation of the policy of the government toward the Catholics. Probably the attitude of Washington had some influence. England and France now united in an acknowledgment of the independence of the islands and asked the United States to join them, but President Tyler declined to do this as contrary to our policy of avoiding complications with European powers. Before the French-British declaration was issued, Lord Paulet seized the islands and compelled the king to sign a deed of cession to the Queen of England, but the act was disavowed with apologies satisfactory to both Hawaii and the United States.

Although the United States had not asked that its citizens be not subject to trial in the Hawaiian courts, France had forced this, along with other favors, in the treaty of 1839 and Great Britain did likewise in 1844. This situation caused trouble between the resident aliens and the government. Unfortunately, when an American became involved the American diplomatic representative demanded for him trial by a foreign jury. This incident called attention to the need of a treaty and a new commissioner was sent with instructions to negotiate. He demanded the privileges accorded to the French and British, but the Hawaiian commissioner objected and the negotiations were transferred to Washington. Here Secretary Clayton signed (1849) a treaty without the objectionable features in the French and British treaties, and later these treaties were modified in line with our own.



But while these negotiations were in progress fresh troubles arose with France and a French naval officer, de Tromelin, presented ten demands, among them the reduction of the duty on French brandy one-half and the use of the French language in official intercourse. The reply not being satisfactory, he landed a considerable force, seized the public buildings and all Hawaiian vessels, dismantled the fort and committed other acts of war and then sailed away. This happened in 1849, while an adventurer, Louis Napoleon, was warming the presidential chair of the French Republic, preparatory to turning it into an imperial throne. He may not have sent de Tromelin, but the opportunity for adventure was too good to be lost and, after turning a deaf ear to a special commissioner from Hawaii, he sent a special commissioner to renew the demands. The king, "despairing of equity and justice from France," drew up and handed to the American commissioner a proclamation turning the islands over to the United States as a protectorate, to be used by him in case France made war, but not otherwise.

When these events were reported to Mr. Webster, again secretary of state, he instructed the commissioner to return the deed of cession, but denounced the action of the French. He further said that commercial considerations, together with other reasons, had fixed the policy of our government in regard to the islands, and that policy was

that while the Government of the United States itself, faithful to its original assurance, scrupulously regards the independence of the Hawaiian Islands, it can never consent to see those islands taken possession of by either of the great commercial powers of Europe, nor can it consent

that demands manifestly unjust and derogatory, and inconsistent with a *bona fide* independence, shall be enforced against that Government.<sup>14</sup>

His instructions to Mr. Rives, minister to France, were of like tenor, and he intimated that a persistence in the French demands would "tend seriously to disturb our existing friendly relations with the French Government."

France yielded some, but secured the most important of her demands, freedom for Catholic worship and teaching in their schools, and a reduction of the duty on French liquors. In justice to France, it should be added that the \$20,000 secured in 1839 had been returned several years before this.

In the light of the foregoing events and of our increasing trade in the Pacific it is not strange that Secretary Marcy thought that the islands were destined to fall under foreign domination and that the best way to prevent European domination was to annex them (1854). However, his treaty of annexation was unsatisfactory because of excessive annuities and the promise of statehood. Before another treaty could be negotiated the king died and his successor pursued a different policy. So annexation to prevent European domination was put off until 1898. By that time there was no danger whatever of European domination; American sugar interests were dominating the island and they asked for annexation in 1893. President Cleveland was not an expansionist and wanted to restore the queen, but Congress decided that Hawaii should be left to manage its own affairs. But the delay in annexation was brief. The Spanish War emphasized

<sup>14</sup> Moore, I, 481.

the strategic importance of the islands and they were annexed by joint resolution (July, 1898).

#### V. BY VOLUNTARY TRANSFER BY THE MOTHER COUNTRY

In the chapter on "Historic Background" we found numerous expressions previous to 1825 to the effect that, while we would not interfere with Spanish rule in Cuba, we would not be indifferent to the transfer of the island to any other power by Spain. In the course of half a century this was repeated many times.

In April, 1825, Mr. Clay, then secretary of state, wrote our minister in Spain that, if Cuba and Porto Rico should become the object and theater of the war between Spain and her former colonies, their fortunes had "such a connection with the prosperity of the United States that they could not be indifferent spectators."<sup>15</sup> Later in the year he wrote to our minister in France that the United States "could not consent to the occupation of these islands by any other European power than Spain under any contingencies whatever." About the same time Albert Gallatin, minister to England, sought to impress upon the government of that country that we could not consent to the transfer of Cuba to "any great maritime power."

Similar views were expressed by Alexander Everett in 1827, and Van Buren, secretary of state, in 1829 and while President in 1837. One reason why people in those days believed that its transfer, especially to Great Britain, would endanger our peace and safety was the fear that the slaves would be emancipated and so add fuel to the flame of emancipation in our borders. This is seen faintly in the notes of Van Buren, more

<sup>15</sup> Moore, VI, 447.

clearly in those of Forsyth (1840), of Webster (1843) and of Upshur (1844). Specific reference is made to abolition activity in England and they say very emphatically that the United States will prevent "at all hazards . . . any foreign military occupation for any pretext whatever." By direction of the President (Polk) Secretary Buchanan repeated what had already been said several times, that we were content to see Cuba remain in the hands of Spain, but would "never consent" to see it in the hands of any other foreign power. For this he gave two strategic reasons, one military and the other commercial, and added that as "the highest duty of every independent nation is to provide for its own safety . . . we should be compelled to resist the acquisition of Cuba by any powerful maritime State, with all the means which Providence has placed at our command."<sup>17</sup> Here we may add that when he became minister to England (1854) and again when President Mr. Buchanan seems to have been no longer "content to see Cuba remain in the hands of Spain," as was shown by the Ostend Manifesto and by his message to Congress.

Secretary Clayton was no less direct in statement than his predecessors and declared that we were "resolutely determined that Spain should never cede the island to any other power than the United States." He added that we did not care to make any threats or enter into any guarantees about it, but served notice that the news of the cession of Cuba to any foreign power would be "the instant signal for war."

While we were content to see the island remain in the hands of Spain, Daniel Webster served notice on the French government (1851) that we did not approve

<sup>17</sup> Moore, VI, 452.

of any foreign help to maintain the connection. While secretary of state, Mr. Marcy repeated several times the general ideas about transfer given above. In 1867 Secretary Seward referred to Jefferson's idea that the island would ultimately come to us "by means of constant gravitation," and suggested to the Spanish minister that this gravitation should not be interfered with by pledging the revenues of Cuba to French capitalists to secure a loan. If Spain desired to pledge the revenues, he hoped that she would notify the United States before concluding an arrangement elsewhere. Three years later Secretary Fish instructed our ministers in London and Paris that, while we would abstain "scrupulously from any effort to hasten" the separation of Cuba from Spain, "we could not contemplate with indifference or in silence, any measures which may promise to give any possible ground of claim on the part of any foreign power to acquire any rights of ownership, or control, over that island or its revenues."

In this case the protest was unavailing for the Cuban revenues were pledged by Spain.

The next protest was against continued ownership by Spain and this was terminated by the war of 1898, but Congress interfered with the "constant gravitation" and Cuba did not fall directly into our hands, though Porto Rico did.

In 1870 Sweden notified the United States that Italy had made an offer for the island of St. Bartholomew and indicated that we might have it on the same terms. Having on his hands incomplete negotiations for the Danish West Indies, President Grant was not disposed to discuss the offer. In his reply to Sweden Secretary Fish said that the transfer to a foreign nation might involve us in a controversy with a friendly



power, as such a transfer was contrary to that "cardinal policy of the United States which objects to new colonies of European governments on this hemisphere" and expressed the hope that the transaction would be postponed. President Grant does not appear to have referred specifically to this case, but in his special message of May 31, 1870, advocating confirmation of the treaty annexing Santo Domingo, he used language, repeated in the annual message of December 5, which certainly would cover it. After invoking the Monroe Doctrine he said that "hereafter no territory on this continent shall be regarded as subject of transfer to a European power." Yet curiously enough, eight years later, no objection whatever was raised when Sweden transferred St. Bartholomew to France. Was the State Department asleep?

#### VI. BY VOLUNTARY CESSION OF THE COUNTRY ITSELF

Fear of the Indians finally led the few non-Indian settlers in Yucatan to offer the "dominion and sovereignty" of that country to the United States. In order to make sure of protection from some quarter, in case the United States refused, they also made a similar offer to Great Britain and Spain.

In his first annual message (1845) President Polk had restated the Monroe Doctrine and added that, should any independent American states propose to unite themselves (Texas in this case) "with our Confederacy, this will be a question for them and us to determine without any foreign interposition." This did not exactly fit the case given above, for Yucatan was not an independent state. It was a province of Mexico, off of which we were just then carving a con-



siderable slice on the north. But here was the possibility of a European power getting a new foothold, and President Polk again appealed to the Monroe Doctrine. In a special message to Congress he now (1848) said that, while he did not propose to recommend any measure looking to "dominion and sovereignty" over Yucatan, "yet according to our established policy, we could not consent to the transfer of this dominion and sovereignty" to any other power. A few days later a bill was reported to the Senate by the committee on foreign relations authorizing the President to take temporary military occupation of Yucatan, but two weeks later the chairman of the committee asked that it be passed over, as the whites and the Indians had made peace.

The two messages referred to above have given rise to what some call, almost contemptuously, the Polk Doctrine. John Quincy Adams was alive when the first was delivered and approved of it, though he bitterly opposed the annexation of Texas. When the second was read John C. Calhoun, who had been a member of Monroe's cabinet in 1823, said that the non-colonization feature had never been discussed in cabinet and gave as his opinion that "colonization" meant the establishment of a settlement by emigrants from the parent country in a territory either uninhabited or from which the inhabitants have been partially or wholly expelled."<sup>17</sup>

Whether Monroe ever dreamed of including cases of voluntary cession or not, objection has been made to such cession more than once since the time of Polk's Presidency. Clayton, who became secretary of state when Polk went out of office, took the same position

<sup>17</sup> Moore, VI, 424.

with regard to a treaty by which it was rumored that Costa Rica would cede a claim to territory in dispute with Nicaragua south of the San Juan River and put herself under British protection. This, he said, would seriously embarrass us and Costa Rica was warned not to make common cause with Great Britain.

Costa Rica had actually made the offer before receiving the warning, but Palmerston declined it. The controversy over the canal route was becoming acute and he probably did not care to embarrass himself by any further disregard of the Monroe Doctrine. Very likely he recalled Polk's statement of the doctrine in connection with Yucatan.

In 1880 a rumor spread that Great Britain was seeking to obtain from Honduras the Bay Islands which she had very reluctantly turned over to that state in 1859 upon the repeated insistence of the United States. Secretary Evarts then took advantage of this opportunity to say that it would "be impossible for us to remain indifferent, or to acquiesce in any European power acquiring any of them."

In 1883 the Haitian finances were in a bad way and the government offered the Mole St. Nicholas or the island of Tortuga to the United States in return for certain guarantees and payments, but the offer was declined as contrary to our national policy on such acquisitions. A year later it was reported that Haiti was making a similar offer to France, whereupon Secretary Frelinghuysen asked our minister in Paris to "call the attention of the foreign office" to the fact that such an acquisition would conflict with "our public policy known as the Monroe Doctrine." Upon renewal of the rumor in 1888 that France had designs on the island, substantially the same position was taken

by President Cleveland's secretary of state, Mr. Bayard.

In view of this it seems very unlikely that President Cleveland had in mind any transactions like the preceding when, speaking of the dispute between Great Britain and Venezuela, he said that "any adjustment of the boundary which [Venezuela] may deem for her advantage and may enter into of her own free will can not of course be objected to by the United States." If so, it was a departure from the policy announced by Polk and followed by several of his successors.

When we took over the Spanish colonies in 1898 some essayed to treat this as an abandonment of the Monroe Doctrine. By such people it seems to have been assumed that the Monroe Doctrine meant that the Americas were held in reserve for expansion by the United States and that we would leave the rest of the world to others. The Monroe Doctrine as originally proclaimed undoubtedly was directed at Europe. At that time no other power had any colonial policy, nor was there the remotest probability that any other power would attempt to extend its political system to the New World or that we would interfere in the internal concerns of Asia or Africa. But in the latter part of the nineteenth century Japan became a world power and began to attract attention as she began to look around for places for expansion. Naturally our occupation of the Philippines and Hawaii was not altogether pleasing to Japan, was looked upon as poaching on the preserves of others. It might interfere with the development of her Asiatic and Pacific policy. There was the possibility of peaceful penetration elsewhere and Japanese filtered into California

and Mexico. But Japanese were not attractive to Californians.

Then, about the time American troops were sent into Texas (1911) to guard the border, the newspapers declared that a secret treaty existed between Mexico and Japan whereby the latter was to secure a coaling station on the Pacific—and this, said the papers, was the real cause of the movement of the troops. Categorical denials were at once issued by the Japanese ambassadors at Washington and the City of Mexico; also, Secretary Knox denied that the report had had anything to do with the movement of troops. However, it was known that Japanese colonists had received grants of land in Mexico and that one of the subsidized Japanese steamship lines had asked Mexico for coaling privileges on the Pacific coast, consequently the subject was still a topic of discussion. In April, 1912, Senator Lodge introduced, and the Senate passed, a resolution calling on the President to furnish the Senate with all the information he had on the subject. He had nothing to give, and the committee to which the matter was referred finally reported that there was no evidence of any intention on the part of Japan to acquire a foothold in Mexico. However, they thought this a good time to forestall such action in the future and advised the passage of the following resolution introduced by Senator Lodge:

*Resolved:* That when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such relation

to another government, not American, as to give that government practical power of control for national purposes.

When the resolution came up for passage Senator Cummins asked if it was an extension of the Monroe Doctrine or merely an application of the doctrine. In reply Senator Lodge said that it rested on much older and broader ground than the Monroe Doctrine, namely in the principle that "every nation has a right to protect its own safety." He further added that if any nation "feels that the possession by a foreign power, for military or naval purposes, of any given harbor or place is prejudicial to its safety, it is its duty as well as its right to interfere." As a precedent in justification of this view he cited the protest of Great Britain against the occupation of Agadir by Germany. The resolution was adopted without much debate, the vote being 51 to 4, 39 not voting.<sup>18</sup>

Time and circumstance make a difference. In 1866, when Ecuador was seriously considering the sale of the Galapagos Islands to British holders of Ecuadorian bonds, Secretary Seward said that the United States was not opposed to sale to private parties.<sup>19</sup> Later, when unauthorized parties approached Secretary Root on the subject of the sale of these islands he paid no attention to them,<sup>20</sup> but he undoubtedly would have objected seriously to their transfer either to a foreign government or to foreign individuals. When the Lodge Resolution was passed President Taft took no notice of it. However, once or twice it was reported that the

<sup>18</sup> Sixty-second Cong., 2d sess., *Cong. Rec.*, 48, Part 10, pp. 10045-7.

<sup>19</sup> *Dip. Cor.*, 1866, II, 480, 483.

<sup>20</sup> See Sixty-fifth Cong., 3d. sess., *Cong. Rec.*, 57:196. The statement of Senator Lodge that Secretary Root told Ecuador that these islands were not to be sold appears to be without foundation. Letter from Mr. Root, Nov. 18, 1922.



State Department was inquiring into reports that Japanese were acquiring lands in Mexico and letting it be known that it would not look with favor on the acquisition of large holdings. Possibly the reports were incorrect. In 1922 a Japanese syndicate secured a concession for pearl fisheries in Lower California and lands for growing cotton, and the State Department appears to have offered no protest.<sup>21</sup>

Probably no one would say that we entered the Philippines to balk Japan, though to keep her out has been urged as a reason for staying there, or that the bays and islands on the west coast of America are held in reserve for expansion when we want them, but the fact remains that the United States will not permit any more islands or bays anywhere in America to be occupied by foreign powers, whether we want them or not, even if granted freely by the country that owns them. Also, concessions to private companies will be watched with jealous interest, because, whether used by the government of the concessionaires as a smoke screen or not, they are likely to lead to political interference in backward countries. The matter of oil concessions will be dealt with later.

Perhaps the extreme application of the Monroe Doctrine is found in the objection to Japanese in California. Our government never has mentioned the doctrine in connection with this question. Indeed it has never protested against the coming of the Japanese, though at the insistence of California it secured a "gentleman's agreement" by which Japan was to prohibit the coming of laborers. There is no doubt that the Japanese are influenced very little by the "melting pot," that they do not assimilate. The Californians

<sup>21</sup> *Current History Magazine*, XVI, 341.



claim, apparently with truth, that the Japanese born abroad are Japanese citizens to the *n*th generation. The Japanese born on American soil are American citizens, yet they are required to register with the Japanese consul. The Californians claim that the Japanese there maintain an organization, reporting to the Japanese government. If so, then they form a sort of Japanese colony in our midst. In time of war with Japan there is little doubt that, if possible, their lot would be cast with their mother country. If they could not fight openly for her, they would do it secretly. Certainly this would be dangerous to our peace and safety.

#### VII. NON-INTERFERENCE WITH EXISTING COLONIES

The policy of not interfering with existing European colonies may be said to have been reasonably well carried out. The only official interference occurred in the case of the Spanish colonies in 1898. For years the island of Cuba had been wretchedly misgoverned and had been in a chronic state of revolt for two ten-year periods. Interference by private individuals from the United States was attempted several times, but, with only a few exceptions, our government was reasonably vigilant in the prevention of filibustering expeditions. The revolutionists never succeeded in establishing a government which could have reasonably claimed recognition under international law. Tired of waiting for this and of the intolerable government so near to our borders, our government finally declared (1898) that the island should be free. In popular language this was called interference in behalf of humanity, though no official sanction was given to this claim.

It is well enough that no such official reason was ever given. Perhaps the conditions were bad enough to justify such action. We not only did not invite other nations, American much less European, to investigate and sit in judgment with us on the question, but would not have tolerated such action by European powers, if they had offered to do so. When one nation attacks a weaker power in the name of humanity, it lays itself open to suspicion.

In spite of repeated official denials, Spain had had historic reasons for thinking that we wanted Cuba. That the world might not think they were going to war to satisfy a desire for territorial aggrandizement, Congress passed a resolution of renunciation and declared that Cuba should be free. But this did not apply to Porto Rico and the Philippines, and they were taken and kept.

At the time of the Canadian rebellion in 1837 attempts were made to use our shores as a base of operation in behalf of the insurgents, but our government performed its duty as neutral. Later the Fenians tried to attack Canada from the United States as a means of attacking England. For many years there was a great deal of talk about annexing Canada to the United States, but never any official hint of anything of the kind. The nearest approach to it is found in the extravagant Alabama claims put forward by Senator Sumner in the hope that England would be forced to sell us Canada to pay the damages.

## CHAPTER VI

### THE STRUGGLE FOR A CANAL ROUTE

#### I. MAKING THE CLAYTON-BULWER TREATY

The story of the contest for a canal route in Central America and of territorial encroachments in that region are inextricably woven together. The main entries in the contest were England and the United States, with France a poor third.

Far back in the seventeenth century England was interested in Central America, mainly through buccaneers, one of whom was made governor of Jamaica. For a long time the chief interest of Englishmen there was the cutting of log wood, for which they secured a concession in the Belize territories from Spain in 1670, but Spain never acknowledged British sovereignty in any part of this country. The Mosquito coast, occupied by natives bitterly hostile to the Spanish, was used as a base for illegal trading with the Spanish colonies. As late as 1825 the British attorney general advised that certain treaties with Spain were still in force and that Great Britain did not enjoy sovereign rights in Belize. But soon after this the report was spread that persons from the United States were preparing to settle the region between the Sibun and Sarstoon rivers and the British government began to make plans for absorption and resisted the attempts of Honduras and Guatemala to extend their jurisdiction

over it. Guatemala then sent an agent to London by way of Washington, where he hoped to secure support, but the British minister forestalled him and won over Secretary Forsyth to his views. The next step of England was to drive the Central American authorities out of the Bay Islands (1838) and the governor of Jamaica was authorized to eject any foreign power that took possession of the largest of these, Ruatan.<sup>1</sup>

From this time on, for a number of years, we have a series of intrigues and machinations on the part of Great Britain for footholds, partly for territorial advantages, partly for securing a canal, and of counter moves by the United States, partly to prevent British aggressions and partly to secure a canal route.

In the early thirties Central America began trying to get Great Britain to agree on a boundary for Belize and get her to relinquish her claims to the Bay Islands and to the Mosquito coast, but the answer of Great Britain was that indicated above in regard to Belize and Ruatan, and an order to protect the Mosquito coast against Central American encroachments. The Mosquito flag was now (1841) raised at San Juan by a British agent who claimed the region as a protectorate and shipped out the Nicaraguan commandant who refused to recognize the authority of the Mosquito King. To the protests of Nicaragua the British government turned a deaf ear.

At the same time Great Britain was looking with jealous eyes upon the designs of the United States for expansion in the southwest. But in 1845 Texas was annexed and it seemed to Americans that "manifest destiny" would lead them on still farther. In December President Polk gave a restatement of the Monroe

<sup>1</sup> Williams, "Anglo-American Isthmian Diplomacy," 32-9.

Doctrine in which he declared that the United States could not "in silence permit any European interference in the North American Continent," and that attempts at such interference would be resisted "at any and all hazards." He also said in very plain terms that the United States would brook no interference by European powers to maintain their ideas of an American "balance of power." While the preceding was called out primarily by the Oregon and Texas questions, President Polk went on to quote the sentence in Monroe's message to the effect that America was not open to European colonization, and added: "This principle will apply with greatly increased force should any European power attempt to establish any new colony in North America."<sup>2</sup>

It will be noticed that President Polk paid particular attention to "North America" in his application of the Monroe Doctrine. Now Central America is a part of North America, yet he lodged no complaint against British aggressions there, even though they covered territory that might be of vast importance to us when we planted our flag on the Pacific. But war was coming with Mexico and it was well not to have too many enemies at once. The Oregon dispute with Great Britain was settled a few weeks after war began with Mexico and nothing was said about Central America. On the contrary, instead of seeking a canal route there we turned to Colombia and made (1846) a treaty with her in which we secured a route for a canal or a railway and in turn agreed to protect the neutrality of the Isthmus and guarantee the sovereignty of Colombia over it. After California had been occupied President Polk said that we must keep it to prevent it from fall-

<sup>2</sup> Richardson, "Messages and Papers," IV, 398.



ing into European hands and thus maintain the Monroe Doctrine.<sup>3</sup>

Meantime British aggressions in Central America continued. Nicaragua was notified that she must get out of San Juan by January 1, 1848. Having appealed to Washington twice with no results, she decided to try a little force and seized and imprisoned the British officers. The result was a bombardment by two British war vessels and she was forced to yield. The Mosquito boundary was now extended some distance south of the San Juan River so as to shut Nicaragua from both banks of the river and so exclude her from any rights in the canal.

The Mexican war was now nearing the end and President Polk appointed Elijah Hise chargé d'affaires to Guatemala and instructed him to ascertain the extent of British aggressions and to urge the reconstruction of the Central American Union as a means of resistance. As a counter move Chatfield, the British agent, was instructed to do all he could to thwart the design of Hise, and Castellon, whom Nicaragua had sent to London to negotiate, got no satisfaction, but was told to expect nothing from the United States, for England was indifferent to what they might say or do.

Hise was delayed on his journey, which put him at some disadvantage, but he soon sized up the situation. Nicaragua, Honduras and Salvador were hostile to Great Britain because of the Mosquito trouble and looked to the United States for aid. Costa Rica had a boundary dispute with Nicaragua and looked to Great Britain to champion her cause. Guatemala seemed to stand in fear of the United States as a consequence of the Mexican war. Believing that little

<sup>3</sup> Richardson, "Messages and Papers," IV, 540.

could be accomplished in the reconstruction of the Central American Union, Hise now wrote his government of the designs of Great Britain to monopolize the canal route and asked for authority to negotiate a canal treaty. Communication was slow and the letter did not reach Washington before the close of Polk's administration. Hise again asked for instructions, but decided that the situation was critical enough to warrant independent action and, without waiting for instructions, negotiated a treaty with Nicaragua granting to the United States in perpetuity a transit right of way. In return the United States was to guarantee Nicaragua in the possession of her territory.<sup>4</sup>

The discovery of gold in California greatly increased the demand, already strong, for a transit route and strengthened the feeling that England should not be allowed to monopolize the route.

Even before Hise had made his treaty, a canal company had been formed in America and a contract made with Nicaragua for the use of the San Juan River. Chatfield now notified Nicaragua that she could not dispose of the San Juan River without the consent of Great Britain, and the British consul in New York published a warning to the canal company not to begin work.<sup>5</sup>

At last the appeals made by Nicaragua to President Polk were answered by the new administration, to which the canal company had also appealed. Mr. Clayton, secretary of state, assured Nicaragua of our sympathy and promised friendly intervention. Knowing nothing of the Hise treaty, he recalled the negotiator and sent Mr. E. G. Squier in his place.

<sup>4</sup> Williams, "Anglo-American Isthmian Diplomacy," 57-8.

<sup>5</sup> *Ibid.*

In his instructions to Mr. Squier Secretary Clayton devoted several pages to a lengthy account of the British aggressions in Central America and to an examination of her rights in that region and closed by saying that the United States would not "tamely allow" their interest in a free passage to and from the Pacific to be "thwarted by such pretensions." He then continued:

Having now sufficiently apprised you of the views of this department in regard to the title to the Mosquito coast, I desire you distinctly to understand how important it is deemed by the President so to conduct all our negotiations on the subject of the Nicaragua passage, as not to involve this country in any entangling alliances or any unnecessary controversy. We desire no monopoly of the right of way for our commerce, and we cannot submit to it if claimed for that of any other nation. If we held and enjoyed such a monopoly, it would entail upon us more bloody and expensive wars than the struggle for Gibraltar has caused to England and Spain. The same calamities would infallibly be cast upon any other nation claiming to exclude the commerce of the rest of the world. We only ask an equal right of passage for all nations on the same terms—a passage unencumbered by oppressive exactions either from the local government within whose sovereign limits it may be effected, or from the proprietors of the canal when accomplished. For this end we are willing to enter into a treaty stipulation with the government of Nicaragua, that both governments shall forever protect and defend the proprietors who may succeed in cutting the canal and opening the water communication between the two oceans for our commerce. Without such protection, it is not believed that this great enterprise would ever be successful. Nicaragua is a feeble State, and capitalists, proverbially a timid race, may apprehend from the rapacity of great maritime powers the obstruction and even the seizure of the canal. Similar apprehensions on their part, from revolutions in the local government, from the oppression and exactions of temporary

chieftains, and from causes not necessary to be explained, may operate to retard a work in regard to which it may be safely predicted that, when successfully accomplished, its benefits to mankind will transcend those of any other similar work known in the history of the world. All these apprehensions may and will be removed by the solemn pledge of protection given by the United States, and especially when it is known that our object in giving it is not to acquire for ourselves any exclusive or partial advantage over other nations. Nicaragua will be at liberty to enter into the same treaty stipulations with any other nation that may claim to enjoy the same benefits, and will agree to be bound by the same guarantee. In desiring that our own countrymen may obtain the charter or grant of the right to make the canal, we do not mean to be misunderstood. Our purpose in aiding American citizens to obtain the grant, is to encourage them in a laudable effort, relying, as their own government does, more on their skill and enterprise than on that of others. If they themselves prefer to unite with their own the capital of foreigners who may desire to embark in the undertaking, this government will not object to that. We should naturally be proud of such an achievement as an American work; but if European aid be necessary to accomplish it, why should we repudiate it, seeing that our object is as honest as it is openly avowed to claim no peculiar privilege—no exclusive right—no monopoly of commercial intercourse, but to see that the work is dedicated to the benefit of mankind, to be used by all on the same terms with us, and consecrated to the enjoyment and diffusion of the unnumbered and inestimable blessings which must flow from it to all the civilized world? \*

In an earlier paragraph he had stated that, while we desired all the rights guaranteed to our citizens in the treaty with New Grenada, it was not expedient, in view of the conflicting claims to the San Juan River, to give any guarantee of the independence of the country through which the canal or railroad might pass.

\* Thirty-first Cong., 1st sess., Ex. Doc., Vol. 10, No. 75, 129.

In conclusion he warned Mr. Squier to "look well to the contract" which capitalists might make with Nicaragua to see that it was not assignable, for the United States would not promote any speculative adventures.

When Squier arrived in Central America Nicaragua, emboldened by his promises, assumed a bolder attitude toward the British on the San Juan and made known her purpose to uphold the Monroe Doctrine. The arrival of Squier also precipitated a contest between the two powers for ascendancy in Central America. Every effort made by Squier to rebuild the union was offset by the activities of Chatfield. But, in spite of the machinations of Chatfield and of a British canal company, Squier soon succeeded in inducing Nicaragua to sign a contract with the American Atlantic and Pacific Canal Company for a canal along the San Juan and a treaty with the United States. The former provided that a majority of the stock should always be owned by Americans and that citizens and vessels of all nations should be allowed to pass through the canal on the same terms with those of the United States, provided such nations should first enter into the same treaty stipulations with Nicaragua for the protection of the canal. The treaty recognized the sovereign and property rights of Nicaragua in the route of the canal and the signatory powers agreed to defend the canal company in its property and to guarantee its neutrality as long as it should be in the control of American citizens.<sup>7</sup>

Long before the coming of Squier Chatfield repeatedly warned Palmerston of the advisability of securing a port on the Pacific so as to anticipate the Americans at both ends of the canal. With this end in

<sup>7</sup> Williams, 61.



view he began to press Honduras for certain claims and threatened to seize Tigre Island in the Bay of Fonseca, if payment was not promptly made. As a counter move Squier negotiated a treaty with Honduras by which that country ceded Tigre Island to the United States for eighteen months and notified Chatfield of the transaction. Not to be outdone Chatfield promptly seized the island, in spite of the fact that Palmerston had discouraged all his proposals. The final result was that the acts of both were disavowed by their respective governments. The chief effect was to produce some embarrassment in the negotiations higher up.

George Bancroft, the American minister at the court of St. James, informed his government of the arrival of Castellon to protest against the occupation of San Juan and of Palmerston's refusal to withdraw. Secretary Clayton then instructed him to assure Castellon of our sympathy, to encourage him to stand firm and to protest to the British government, "in the most friendly manner," against the occupation. He was to say that, "while we should look upon the exclusive possession or command of such a river by ourselves as a great evil to us, which would draw upon us the jealousy, and ultimately the hostility, of the commercial world, we ought not to consent to its obstruction by any other power." While the protest was to be friendly and respectful, it was to be firm. He was also to warn Costa Rica against ceding any territories to Great Britain.<sup>8</sup>

Mr. Bancroft had considerable difficulty in securing an audience with Palmerston, who was very busy with Italian affairs, but who also really did not want to

<sup>8</sup> Ex. Doc. 75, 231.

discuss Central American affairs. When the interview was finally secured Bancroft got little out of him beyond the assurance that England already had enough colonies, that she had no intention of colonizing any part of Central America, and that the occupation was temporary, but he would give no assurance of getting out of San Juan. When Bancroft presented some very strong evidence to show that the British had no rights there, Palmerston declined to discuss the question and closed with the somewhat indefinite assurance that England and America had only one interest.

Castellon, agent of Nicaragua, secured an interview, but received no satisfaction from Palmerston. He then turned to Bancroft and asked if Honduras, Salvador, and Nicaragua would be admitted to the American union. Getting no satisfaction from Bancroft on this, he again turned to Palmerston and asked for arbitration, but Palmerston was unmoved and Bancroft now wrote Clayton that Nicaragua must yield, unless supported by the United States. He also proceeded to draw up a protest as directed by Clayton, but received notice of his recall before it was presented (August, 1849).

Secretary Clayton had now learned of the cession given by Nicaragua to the Atlantic and Pacific Canal Company and knew that Squier would follow it up with a treaty. In consequence he directed Mr. Rives, the new minister to France, to visit London on his way to Paris and instructed him to say to Palmerston that, in our opinion, "the title of Nicaragua to the San Juan was irrefragable," that we were about to make a treaty with her; and that, when Great Britain had ascertained the objects we had in view, she could not "fail to see the propriety of aiding instead of obstructing

us in securing, for all commercial nations on the same terms, the right of passage by the Nicaragua route from ocean to ocean, if that route should prove to be practicable."

Evidently Palmerston had become aroused. Instead of avoiding Rives, as he had Bancroft, he hurried to London to meet him. Rives now assured him that we sought "no exclusive privilege or preferential right of any kind" in the proposed canal, but wanted it "dedicated to the common use of all nations on a footing of perfect equality for all." Neither could we "consent to see so important a communication fall under exclusive control of any other great commercial power." Mosquito possession of the San Juan was no cloak to British possession and this was sure to cause trouble. The thing for the two nations to do was to settle this matter in a frank and friendly manner.

Palmerston now went over the Nicaraguan controversy and declared that Nicaragua had no right to the river, that her grant to the American company was fraudulent, made for the purpose of drawing the United States into the quarrel on her side, and that the region belonged to the Mosquito Indians, a British protectorate. After this he showed some signs of relenting and added that Great Britain had no intention of holding San Juan in exclusive possession as the key to interoceanic communication. Rives then suggested that Great Britain give her attention to the Mosquitoes and to Costa Rica and the United States to Nicaragua as a sure means of clearing up the difficulty. Here the interview ended and Rives left with the impression that Palmerston was favorably disposed. The same impression was later made upon Mr. Lawrence, our new minister, by both Palmerston and Russell.

The impression produced upon Rives was that Palmerston had occupied San Juan as a check to American imperialism and to prevent American monopoly of the canal route. Whether he ever intended to secure an English monopoly of it or not is not clear. If so, American firmness convinced him that such a monopoly could not easily be secured. So long as he had reason to fear an American monopoly he remained inflexible on the San Juan question but when assured by Clayton's letters and by conversations with Rives and Lawrence that America had no such designs, he at once showed signs of willingness to adjust the matter.

But the way was not yet open for smooth sailing. Great Britain had recognized the Mosquitoes as a sovereign nation, had backed up the King's claim to the San Juan and had occupied the region as his protector. To retreat from this position with honor seemed impossible to Palmerston. At first Lawrence sought to adjust the matter of the canal route without mentioning the Mosquitoes, but Clayton was satisfied that a satisfactory settlement in this way was impossible. This was all the clearer when Palmerston began to protest against the Hise treaty as based on a recognition of the rights of Nicaragua in San Juan. Lawrence was now instructed to say that the United States would never consent, under any pretext, to see Great Britain enjoying exclusive possession of any of Nicaragua's territory. The Squier treaty was now known to Palmerston and he complained of that as designed to compel the British to withdraw from Greytown (San Juan), something sure to involve the United States in trouble with Great Britain. But Lawrence stood firm and declared that the success of the negotiations depended on British withdrawal. As a means

of saving British honor he suggested that the protectorate of the Indians be turned over to others under a distinct guarantee of humane treatment.

At this point the negotiations were transferred to Washington, probably in the hope of avoiding in some way the troublesome Mosquito question.

The negotiations up to this point reveal clearly the American and British aims. The former was determined to keep the latter from monopolizing a canal in Central America, partly because such monopoly would be in violation of the Monroe Doctrine, but more because it would run counter to her commercial policy; also, to get Great Britain out of Central America, partly out of consideration of the canal, but mainly to uphold the Monroe Doctrine. On the other side, Great Britain was determined to prevent the United States from monopolizing the canal simply for commercial reasons; also, she was determined to hold the territory occupied, some of it for colonial purposes, some of it because she felt that it would compromise her honor and dignity to withdraw.

Such was the situation when Bulwer came to Washington, hoping to get better terms out of Clayton than out of Lawrence. The situation was delicate and Bulwer took a few weeks to size it up. He soon decided that the Americans were primarily interested in the canal and that the best thing to do was to settle that and ignore the Mosquito question. As a sop to British sensitiveness Clayton was willing to avoid a direct reference to the Mosquito protectorate, but sought to secure a wording of the treaty which would amount to a promise to withdraw. Bulwer had come without power to make a treaty but he decided that the tense situation demanded immediate action and the project of a



treaty was sent off to Palmerston early in February, 1850. It was not a complete victory for either.

While the negotiations were in progress dissatisfaction in America was increased by the failure to receive any disavowal of the seizure of Tigre Island and by further news of Chatfield's continued encroachments under the guise of claims. When Clayton explained this situation to Bulwer the latter wrote to Palmerston urging that some explanation be given to quiet America. Before a reply could have reached America, a letter was received from Lawrence announcing the disavowal of the seizure, but this was qualified by a reservation of the right to prosecute the claims against Honduras by "whatever means the law of nations may allow." Hard upon this came the report of blockades and seizures in Central America and public opinion was more aroused than ever. As a means of bringing pressure to bear on England, Clayton now submits the Squier treaty to the Senate and also recalls the consul from Belize on the ground that the appointment had been made "without full consideration of the territorial rights of Great Britain in that quarter."

Soon after this Bulwer received Palmerston's approval of the treaty project and was authorized to say that the British government would not use the protectorate over the Mosquitoes to do any of the things already disclaimed to Lawrence and that it had no intention of establishing a protectorate over Costa Rica. As the negotiations progressed Clayton proposed a counter declaration to the effect that the United States did not recognize that the Mosquitoes were a sovereign nation. This brought the negotiation to an impasse. A way around was found in a somewhat general statement about protectorates equally binding on both.

The treaty as signed provided that neither the United States nor Great Britain would ever obtain or maintain any exclusive control over the ship canal, nor fortify the same, nor erect any fortifications near it, nor "colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America." Neither would either take advantage of any intimacy, alliance, or connection with the state through which the canal should pass to acquire for its citizens any advantage in commerce or navigation which should not be offered in the same terms to citizens of the other.

Shortly before the treaty was signed Bulwer received a note from Palmerston recounting a rumor that Americans were preparing to settle in Ruatan and directing him to warn the United States that this was British territory and that the Governor of Jamaica had been instructed in 1841 to expel all intruders. Clayton was greatly disturbed by this note, but went on with the treaty. However, before signing it he told Bulwer that such a note, which would have to be sent to the Senate, would kill the treaty and asked him to withdraw it. This Bulwer did on receiving assurance that Americans were not planning to take Ruatan.

In the Senate there was a considerable faction, led by Stephen A. Douglas, bitterly opposed to the treaty because it did not require the British to withdraw from Central America. However, Clayton and Senator King, chairman of the committee on foreign relations, persuaded the majority that it required the abandonment of the Mosquito protectorate, thus saving the Monroe Doctrine, and it was ratified 42 to 11.

But this was not the end of diplomatic sparring. The change in the treaty, together with the reason

given by Clayton why Bulwer should withdraw his note about Ruatan, convinced Palmerston that the Americans intended to make the treaty cover Honduras (Belize) and Ruatan. In consequence he directed Bulwer to say to Clayton that Great Britain did not understand that the treaty applied to "Honduras or its dependencies." Clayton now seems to have seriously thought of dropping the treaty, but found a way around acknowledging any British title to Honduras and Ruatan. After consultation with Senator King he handed Bulwer a note saying that the treaty did not include the British settlement in British Honduras "nor the small islands in the neighborhood which may be known as its dependencies." The title to these was neither denied nor affirmed, but left as it previously stood. This did not please Bulwer, but the ratifications were exchanged and the treaty went into effect.

## II. GREAT BRITAIN ABANDONS THE MOSQUITOES

Bulwer now intimated to Palmerston that it was time to find some honorable way of withdrawal from Greytown (San Juan) and suggested that the rights of the Mosquitoes should be bought out and that they should be recognized in certain boundaries. To this Palmerston agreed, and suggested that the difference between Costa Rica and Nicaragua should be settled at the same time. Bulwer began by suggesting to Clayton the transfer of Greytown to Costa Rica, but Clayton would not hear of this. Bulwer now set himself to frustrate any attempt of Nicaragua to secure recognition of her rights in Greytown by treaty with the United States.

Upon the death of President Taylor and the accession of Fillmore, Daniel Webster became secretary of

state (July 22). While Webster would not agree to the cession of Greytown to Costa Rica, Bulwer did induce him not to recognize the exclusive right of Nicaragua to the San Juan River. Palmerston now shows the first sign of yielding and instructs Bulwer to agree to a transfer of Greytown to Nicaragua, provided compensation was made to the Mosquitoes by Nicaragua, but Nicaragua would not agree to make any compensation.<sup>9</sup>

The continued machinations and counter machinations of Squier and Chatfield in Central America added greatly to the difficulties of the diplomats. The former was recalled in the latter part of 1850, but the latter held on for more than a year longer. The refusal of the commander of an American vessel to pay harbor dues in Greytown to the British consul also made the situation more tense, but the British government disavowed the act of the commander of a war vessel for firing on the American and forcing payment. The discovery of gold in California had increased the importance of the San Juan transit and now private American citizens came in. Greytown added to the difficulties. The retirement of Palmerston and the accession of Granville to the British foreign office tended to ease the diplomatic situation, for he now instructed Crampton, in charge of British affairs in Washington, to make any settlement of the Mosquito question not inconsistent with British honor. However, British honor was still very sensitive about its rights in Greytown and protested against the instructions given to Commodore Parker on his departure for Greytown to the effect that under the Clayton-Bulwer treaty neither country could exercise any dominion over the Mosquito coast. Webster now interpreted away the instructions

<sup>9</sup> Williams, 117.

given to Parker and accepted the British proposal to recognize the *de facto* government of the British consul at Greytown. Crampton now proposed a settlement on the basis of the cession of Greytown to Nicaragua in return for a money payment to the Mosquitoes, the establishment of a definite boundary for the Mosquitoes, and giving to Costa Rica all territory south of the San Juan, together with certain rights of navigation. Webster demurred at the money payment by Nicaragua, not on the ground of right, but because Nicaragua was unable to make it. Crampton replied that honor would not allow the British to give up the protectorate of the Indians without making some provision for them. Besides, to get out without any consideration would be an acknowledgment that the seizure was wrong in the first place, something they could never do. Webster now told Crampton to draw up the proposed treaty so that it would be acceptable to his government. As finally drawn it contained the original proposal of an exchange of Greytown for a money payment and the establishment of a definite territory for the Mosquitoes. The money was to be paid out of the customs collected for three years at Greytown which was to be a free port. The Nicaraguans were not to molest the Mosquitoes in their territory, but the Indians might voluntarily become citizens of Nicaragua.

If Clayton ignored the Monroe Doctrine for the purpose of getting a canal treaty, Webster seems to have considered it dead for all practical purposes. When Nicaragua declined to pay for the surrender of Greytown, he advised her to yield, saying that it would not be dishonorable, since it would only be another case of the weaker yielding to the stronger. No wonder



that Nicaragua felt that she had been betrayed and that the Monroe Doctrine had gone to the scrap heap. She saved her honor by issuing a protest against foreign interference and asked for arbitration. Further evidence that Webster had scrapped the Monroe Doctrine so far as concerned England in Central America is found in the fact that the proclamation taking over the Bay Islands as a British colony (March 20, 1852) seems to have been allowed to pass unnoticed by him.

But if Webster had scrapped the Monroe Doctrine, it was soon evident that others would not allow it to remain scrapped. The November election heralded the return of the Democrats to power. When the Senate met in December Senator Cass offered a resolution calling on the President for information concerning this "new" British colony, and asking what measures the Executive had taken to prevent violations of the Clayton-Bulwer treaty by the establishment of such a colony. The President had no information, but sent in the correspondence between Clayton and Bulwer showing that the treaty did not cover Belize.

The motives of Great Britain seem to have been twofold. She had surrendered the right to monopolize a canal, but that did not include approaches to the canal. Ruatan, which seemed to promise great commercial advantages and could not be protected by Honduras, would inevitably fall into the hands of a powerful commercial nation. It was better now for her to anticipate the rapidly expanding power to the north. As that power seemed pliant for the present, she would still further hedge her in by securing a tripartite treaty (with France) guaranteeing Cuba to Spain. But this was too much even for Webster.

The reading of the President's message and the ac-

companying papers brought on a spirited debate, some of the speakers condemning, some defending, Clayton. The committee on foreign relations reported that the Bay Islands belonged to Honduras and were a part of Central America and that the occupation of them was a violation of the treaty. The same was true of Belize, but, while the committee would not insist that the treaty required its abandonment, certainly there should be no extension of its boundaries.

Sowing the seeds of future discord while settling one dispute was nothing new in diplomacy. The Clayton-Bulwer treaty was another illustration of this practice and we began to reap the harvest very early. The harvest also lasted a good many years. The actions of the Senate revived the Monroe Doctrine and it was to play some part in future settlements.

The inauguration of the new administration, with Pierce as President and Marcy as secretary of state, marked a change of attitude on the Central American question. Marcy's aim was to bring about the complete withdrawal of Great Britain and the cessation of interference on her part in political affairs. The demand for this was to be based, not on the Monroe Doctrine, but on the Clayton-Bulwer treaty. It was with the understanding that Central America was to be cleared of the British that James Buchanan accepted the mission to the court of St. James. His instructions did not insist on the withdrawal from Belize as a matter of right under the treaty, but it was not to be converted into a colony and the United States would be pleased if it were given up altogether.

To Buchanan's surprise, Clarendon, now at the head of the foreign office, declared that the treaty was prospective and did not require withdrawal from any part

of Central America. It was merely to guard against future acquisitions. Buchanan pointed out that Palmerston had not taken that view (evidently Bulwer had), as evidenced by his note that the treaty was not understood to cover Belize, but Clarendon was unmoved. The United States knew, he said, of the protectorate in 1842, yet made no protest until 1850. As for the Bay Islands, the only question was whether they were a dependency of Belize or of some Central American state. The claims of Great Britain antedated 1850, yet no complaint was made of their occupation at that time.

Buchanan presented an able argument against the "prospective" character of the treaty and about the Bay Islands as dependencies, but one is surprised that so vigorous a supporter of the Monroe Doctrine should have explained the failure to protest against the protectorate over the Mosquitoes on the ground that we had no right to protest under any treaty previous to 1850; that any protest previous to that time must have been based on the Monroe Doctrine, which Great Britain did not recognize. But he stood firm on the "proper dependencies" of Belize and insisted that the Bay Islands were not of this class.

A quarrel between the American Transit Company and the authorities at Greytown furnished an opportunity to test the strength of the British protectorate. At the request of the Transit Company, Commodore Hollis, of the *Cyane*, was sent there to protect its interests. His demands not being complied with, he destroyed the town by a bombardment. The act was extensively condemned in the United States, and Clarendon expected a compliance with his demand for an explanation and disavowal. Instead, President Pierce

defended Hollis in a message to Congress and Clarendon dropped the matter. Even the claims for damages were not pressed. After all, the British protectorate was not a protectorate and this marked the beginning of the end of the pretense.

When Squier went to Central America he was received with great enthusiasm in three states, only Costa Rica and Guatemala being pro-British. By 1855 Honduras alone trusted the United States, the distrust being partly due to our treatment of Mexico, partly to our failure to sustain Nicaragua and partly to the filibustering expeditions of William Walker. Now Nicaragua turned to Great Britain and asked for closer relations, agreeing to leave the Mosquito question in abeyance.

But for all this the Pierce administration continued firm in its efforts to get Great Britain out of Central America. The tension between the two countries was increased by filibusters, whose expeditions were looked upon in England as the entering wedge for American occupation, and by the recruiting of soldiers for the Crimean War within our borders, which led to the dismissal of Crampton. The general attitude of the United States was that the treaty required Great Britain to get out, of Great Britain that it did not and that honor would not allow her to get out. But finally the firm, not to say aggressive, policy of the administration—the defense of the bombardment of Greytown in retaliation for injuries complained of by the Transit Company, the request of Congress for appropriations for military purposes, and the recognition of Walker, the filibuster, in Nicaragua—began to produce effects. The people of England did not want war with the United States and they preferred southern

cotton to a colony of uncertain character in Central America.

The first step taken toward adjustment by Great Britain was a treaty with Herran, the minister of Honduras, surrendering the Bay Islands as a "free state" to Honduras. Clarendon then took up the other questions with Dallas, our representative in London, and soon a compromise treaty was signed. This Pierce approved, but the Senate did not act on it until Buchanan became President. He then announced his dissatisfaction with the Honduras treaty and soon was gratified to learn that Honduras had rejected it. The sentiment for abrogation of the Clayton-Bulwer treaty now became very strong. Napier, the British minister, informed Clarendon of this and strongly advised a settlement in harmony with America's wishes. But before any definite steps were taken for a settlement outlaws attacked the newly constructed railway in Panama, and Clarendon feared that this might lead to American aggressions in that quarter. In consequence, Napier was instructed to say that it would be a violation of the Clayton-Bulwer treaty for either of the two powers to exercise exclusive jurisdiction over a transit route in Panama and to suggest a tripartite guarantee. This was refused on the ground that we already had a treaty with New Grenada and because it was not the policy of the United States to make such agreements.

Clarendon now decided to send a special representative and selected Sir William Ouseley, a personal friend of Buchanan. But his proposals were not satisfactory and Secretary Cass now definitely proposed the abrogation of the treaty. A proposal for arbitration was declined. In this situation Ouseley was directed to go on to Central America and there settle with Nicaragua



and with Guatemala over the boundary of Belize, but not with Honduras, for the Bay Islands were to be held against American aggression. A period of silence on Central America now followed, but was later broken by a letter from Cass showing some disposition to yield. From that time on negotiations went better, though ruffled by the incompetence of Ouseley and the interference of a Frenchman seeking a concession for a canal. Ouseley was finally recalled and the business was intrusted to Wyke, who had been in Central America some time. He soon settled all remaining difficulties.

A treaty was first signed with Honduras by which Great Britain "recognized" the Bay Islands "as a part of the Republic of Honduras." The islands were not to be transferred to any other power and British subjects there were to receive due protection. A part of the Mosquito region was also recognized as belonging to Honduras and she agreed to pay the Indians \$2500 semi-annually for ten years. A few weeks later a treaty with Nicaragua agreed to recognize a part of the Mosquito region as belonging to her and the British protectorate was to cease in three months after ratification of the treaty. The Mosquitoes were to have a definite reservation, to receive \$2500 semi-annually for ten years, and be permitted to incorporate themselves in the republic. Greytown was recognized as a part of Nicaragua, but was to be a free port. Both treaties were ratified and on August 4, 1860, copies were sent to the United States.<sup>10</sup>

The territorial settlement accomplished most that America had been demanding, but not all, for Great

<sup>10</sup> Summary of Correspondence by Lord Granville, in *For. Rel.*, 1882-83, I, 305-314.

Britain continued to occupy Belize or British Honduras between the Sibun and Sarstoon rivers. However, President Buchanan was so well pleased that he announced that the settlement was "entirely satisfactory to this government."

In 1862, while the United States was engaged in the Civil War, Great Britain placed Belize on the footing of a colony and no protest was made by this country. Ten years later the minister from Guatemala complained that the British were encroaching upon the territory south of the Sarstoon, and Secretary Frish directed our minister in London to say that this, if true, was a breach of the treaty of 1850.

After a passage of another ten years, Secretary Frelinghuysen reminded Great Britain that the United States had never recognized her right to assert sovereignty over the *settlement* at Honduras and that her act in making it a colony was a violation of "a doctrine which has for many years been asserted by the United States" and of the Clayton-Bulwer treaty.<sup>11</sup> In reply Granville pointed out that the United States had made a postal convention with Great Britain in 1860 in which British Honduras was recognized as a "colony." However, Frelinghuysen's protest seems to have been made, not so much to prevent European colonization of American territory, as to find an excuse for abrogating the Clayton-Bulwer treaty, an end which his predecessor, Blaine, had sought to accomplish by more direct means, as will presently appear.

In 1888 and again in 1894 protests were made by the department of state against the virtual reassertion of the British protectorate over the Mosquito Indians,

<sup>11</sup> For. Rel., 1882-83, I, 273.

this time under both the Monroe Doctrine and the Clayton-Bulwer treaty. While asserting that Nicaragua was not observing the treaty of Managua, Great Britain denied that she had any intention of reëstablishing a protectorate. By the end of 1894 the question was forever settled by the voluntary incorporation of the Mosquitoes in the Nicaraguan state. But the British continued to hold British Honduras to the Sarstoon and the United States ceased to protest against it.

### III. THE HAY-PAUNCEFOTE TREATY

This may be said to have ended the controversy between England and the United States so far as it was immediately concerned with the Monroe Doctrine. All that Great Britain was now asking under the Clayton-Bulwer Treaty was that no nation should monopolize any interoceanic communication. While this interference with American policy was not a violation of the Monroe Doctrine it was in contravention of the doctrine of paramount interests which we had developed out of that doctrine. The next thing, then, was to rid ourselves of this.

As time went on the determination of the United States to rid itself of the Clayton-Bulwer treaty as the chief barrier to a distinctly American canal became clearer and clearer. No other power was ever invited to extend its protection over the Panama railway, which was completed previous to the Civil War. In 1866 Secretary Seward sounded the first note against the treaty of 1850 as standing in the way of a distinctly American canal. In 1869 and 1870 canal treaties were negotiated with Colombia which stipulated that the "control, possession, direction, and government" of the canal should belong to, and be ex-

exercised by, the United States," though they were not ratified.

Interest in the matter was now greatly quickened by the entrance of the French into the field as possible competitors. In 1875 de Lesseps, flushed with his triumph at Suez, began a careful survey of the Panama route, which had already been endorsed by a group of French scientists and engineers. Three years later Lieutenant Wyse, of the French navy and interested in canal associations, secured a concession from Colombia giving him the exclusive right to construct a canal across the Isthmus under conditions of neutrality. Against this the United States had no legal ground of protest, for the treaty of 1846 with Colombia had given us no monopoly, but only guaranteed the neutrality of the transit.

Wyse soon disposed of his concession to de Lesseps, who at once laid plans to make of this an international project. As Wyse was an officer in the navy of France, the United States naturally suspected that the French government was back of the project and rumors to this effect continued to spread, in spite of repeated denials. To offset the bad effects of this, de Lesseps came to America and succeeded in winning considerable support, but some remained unmoved and advised steps to anticipate the French and even spoke of preparation for war. Efforts were made, through appeals to Congress, to galvanize the moribund canal companies with new life. Even the Monroe Doctrine was brought out and a resolution was offered in the Senate to the effect that the United States could not "view without disquietude" the attempt of any foreign power to build a canal on the Isthmus. The House committee on canals brought in a report saying that any sort of a

European protectorate in America would be contrary to the Monroe Doctrine and another authorizing the President to terminate any treaty which stood in the way of American control of a canal. In response to a resolution offered at the same time calling for the diplomatic correspondence relating to the canal, President Hayes said that the policy of this country was a canal under American control and that we could not surrender this control to any other European power or group of powers. An interoceanic canal would essentially change the geographic relations of the United States to the rest of the world, it would become a great ocean thoroughfare between our Atlantic and Pacific shores, and would virtually be "a part of the coast line of the United States." Continuing, he said: "Our merely commercial interest in it is greater than that of all other countries, while its relation to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States."<sup>12</sup> The expression "paramount concern" was only a variation of Secretary Evarts' "paramount interest," as stated some time before in regard to the canal.

Upon the accession of Garfield to the Presidency, James G. Blaine became secretary of state, famous for his ideas on a "vigorous foreign policy." Learning that Colombia had asked the European powers for a guarantee of the neutrality of the canal, he sent a circular letter to our ministers in Europe saying to these powers that any attempt on their part to participate in the guarantee of an Isthmian canal would be considered as "an uncalled-for intrusion into a field where the local and general interests of the United States of

<sup>12</sup> Richardson, VII, 586.



America must be considered before those of any other power" save that of Colombia. Before receiving Granville's reply calling attention to the fact that the relation of Great Britain and the United States to the canal was fixed by treaty, Blaine seems to have discovered the Clayton-Bulwer treaty and wrote that the time had come when changes in this treaty were necessary. His successor, Frelinghuysen, assumed the same attitude, but took advantage of alleged British aggressions on Guatemalan territory to assert that the treaty was no longer binding. He also tried to show that the treaty did not cover our treaty of 1846 with New Grenada by which we acquired the sole protectorate of any transit route over the Isthmus. The Clayton-Bulwer treaty contained no clause requiring the United States to invite other powers to join in protecting the transit and it would not extend such an invitation. To this Granville coolly replied that the treaty covered "all interoceanic communications" and pointed to our treaties with Honduras (1864) and Nicaragua (1867) as recognizing this principle. However, the administration seemed determined to ignore this treaty, and a treaty with Nicaragua for a canal under American control was submitted to the United States Senate, but it was withdrawn by Cleveland when he became President.

The activity of the de Lesseps canal company accounted for some of this spirit, but it continued even after the failure of the French company was assured. Under the Harrison administration a bill backing up a canal company in Nicaragua passed the Senate (January, 1895), but when Cleveland again became President he reverted to his earlier position and his secretary of state, Olney, even declared that Frelinghuysen's argument against the treaty was not sound. The

Spanish War only whetted the desire for an American canal, and President McKinley called the attention of Congress to its need. He assured Pauncefote, the British ambassador, that the United States would not ignore the Clayton-Bulwer treaty, but made it clear that the treaty should be modified. Secretary Hay now handed Pauncefote the draft of a new treaty, but a boundary dispute between Alaska and Canada was then in process of settlement and no action was taken on the proposal. A bill was now introduced in Congress authorizing the President to acquire territory for a canal route from Nicaragua or Costa Rica and providing for the construction of the canal under the direction of the secretary of war. If this bill was merely designed to stir the British to action it had the desired effect, for the first Hay-Pauncefote treaty was signed February 5, 1900.

It provided that the canal should be open in time of war to vessels of commerce and of war on terms of equality, that it should not be fortified and should never be blockaded. When ratified, other powers were to be asked to adhere to the treaty.

No wonder such a treaty encountered opposition both in the Senate and outside. The surprising thing is that a man of Hay's caliber should ever have signed it. In a letter to the secretary of state, Governor Roosevelt declared that the provisions about war vessels and fortifications would make the canal a menace to us in time of war and an added burden to our fleet. Also, he declared, it virtually gave up the Monroe Doctrine, for, if we invited other powers to a joint ownership and guarantee of what so vitally concerned us but a little way from our borders, how could we possibly object to similar joint action in southern Brazil

or Argentina. "To my mind," he added, "we should consistently refuse to all European powers the right to control, in any shape, any territory in the Western Hemisphere which they do not already own."<sup>13</sup>

The Senate refused to ratify the treaty until it had passed the bill for the construction of an American canal and had amended the treaty by adding a clause saying that the Clayton-Bulwer treaty was superseded, another giving the United States larger powers in the military defense of the canal, and had struck out the clause inviting other nations to adhere to its provisions. As amended, the treaty was not acceptable to the British government. Hay and Pauncefoot then drew up another based on the first, but expressly abrogating the Clayton-Bulwer treaty and leaving out the invitation to other nations to adhere to it, and also the one prohibiting fortification. As a concession to Great Britain the preamble spoke of constructing the canal "without impairing the 'general principle' of neutralization established in Article VIII" of the treaty of 1850. Article III stated that, "as the basis of the neutralization of the canal," the United States would adopt certain rules, substantially as embodied in the Convention of Constantinople for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these Rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any

<sup>13</sup> Thayer, "Life and Letters of John Hay," II, 340-1.

right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the Regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same Rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.<sup>14</sup>

It will be noticed that this treaty left it solely to the United States to guarantee the neutrality of the canal, that there is no prohibition of the erection of fortifications, that while the treaty provides that the canal shall be open to vessels of war in time of war as well as in time of peace, there is nothing in it forbidding the United States to close the canal to its enemies. This treaty was now accepted in both countries and was proclaimed February 22, 1902.

At last the "paramount interest" of the United States in the canal was recognized by the only power in a position to dispute it. The old dispute with England now rested for a season, but was soon revived over the interpretation of the treaty. As the canal neared completion the question of fortifying it was raised. The first Hay-Pauncefote treaty had forbidden fortifications, the last said nothing about them and when Congress passed a bill to fortify, England raised no

<sup>14</sup> Treaties, Conventions, etc., 1776-1909, I, 783.

objection. The next question was the matter of tolls. A bill was now introduced in Congress providing that the President should fix a rate not exceeding \$1.25 per ton, but giving our vessels engaged in coastwise trade free use of the canal. Great Britain at once protested and asked that the bill be held up pending the submission of her formal statement. Her objection was based on Rule 1 of Article III quoted above. This provided that the canal should be free and open to the vessels of all nations observing the rules on terms of entire equality, and that the charges should be "just and reasonable." The exemption of American coastwise shipping would violate this principle, for it would throw a disproportionate share of the expense of the upkeep of the canal on British and other foreign shipping.

In spite of this the bill was passed and was signed by President Taft, who issued a memorandum in its defense. The defense given by him and by other officials and members of Congress was that the regulation of coastwise trade was a matter of domestic policy and that the "all" in the treaty did not cover this. However, the British government remained firm in its position and Ambassador Bryce asked for arbitration. As the canal was not yet open, no actual discrimination had begun. Such was the situation when Mr. Wilson became President. Although the Democratic platform had upheld the exemption he now asked for repeal, basing the request partly on the doubtful character of the right, partly, and perhaps more, on the fact that this stood in the way of some very important negotiations. The struggle was severe, but he finally won, though in repealing the act Congress reasserted the right to make such discriminations.



## CHAPTER VII

### NON-INTERFERENCE IN EUROPE IN PRACTICE

Our policy in regard to Europe, which was adopted at an early stage in the wars which have so long devastated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank and manly policy, meeting, in all instances, the just claims of every power, submitting to injuries from none.—Monroe's Message, 1823.

#### I. NO ALLIANCES

The doctrine or policy of isolation, of two spheres, is not simply foreshadowed in the quotation given above; it is there in terms that cannot be mistaken. Some later officials have been a little more explicit and, in some cases, more emphatic, but no one can say that they brought the idea into being. Their treatment of the subject was called forth more by the problem of European interference in America and will be brought out in the discussion of that topic. Here we shall deal only with American policy of non-interference.

Washington warned against permanent alliances, Jefferson against entangling alliances. Washington had had some experience with a permanent alliance, that of 1778 with France. But, in connection with his warning, he took care to say in emphatic terms that he was not "capable of patronizing infidelity to existing en-

gements." These must be fulfilled, but beyond that he felt that we might safely "trust to temporary alliances for extraordinary emergencies." While Jefferson warned against entangling alliances he does not seem to have been wholly averse to an alliance more or less permanent in character, or he never would have said that we must "marry ourselves to the British fleet and nation."

However, in all our history, excepting the French alliance to secure our independence, we have never made an alliance of any kind, unless the Four Power Treaty of 1922 be so called. A few in America have occasionally talked of such a move, especially with England, and we have been approached on the subject, but all to no purpose. Even in the Great War those beside whom we fought we spoke of, not as allies, but as associates. We had no treaty whatever with them in regard to the fighting and the terms of peace; each case was simply met by agreement. Possibly our friends in Europe expected an alliance when we entered the war, but if any official suggestion was ever made to that end, it has never been made public. Whether it would have been wiser to make a formal treaty is still a debatable question. When President Wilson entered the peace conference he found himself hampered by certain treaties of which he claimed to know nothing. As a condition of alliance he could have demanded a full knowledge of existing arrangements and have secured the abandonment of objectionable features more easily than after the war had been won. A triple alliance, guaranteeing the safety of France for three years pending the functioning of the League, was submitted to the Senate (1914), but not ratified.

## II. INTERFERENCE WITH INTERNATIONAL RELATIONS AND WITH INTERNAL CONCERNS

A few quotations were given in Chapter I advising a policy of non-interference. Many other like quotations might be given from Washington, John Adams and a host of others from early days to the present. In 1851 President Fillmore boasted that the United States had "not followed the lead of other civilized nations" in this policy, but had taken the lead.<sup>1</sup> In 1862 Seward declared that even if the policy derived from the teachings and practice of Washington could be proved erroneous, its hold on the American people was too strong to be broken at a time when civil war was "encouraging foreign intrigues and even inviting foreign aggression."<sup>2</sup> Forty-two years later President Roosevelt said that "there are occasional crimes committed on so vast a scale and of such peculiar horror as to make us doubt whether it is not our manifest duty to endeavor at least to show our disapproval of the deed and our sympathy with those who have suffered by it."<sup>3</sup>

Most of these expressions related to Europe, but some of them were general or related to non-European countries. A few examples will show how the policy has been observed in practice.

In 1830 a rumor concerning the Spanish West Indies reached the United States to the effect that Mexico would put arms "in the hands of one portion of their population to destroy another." Secretary Van Buren thought that such a procedure might "endanger the

<sup>1</sup> Richardson, "Messages, etc.," V, 116.

<sup>2</sup> Moore, "Digest," VI, 18.

<sup>3</sup> "Messages and Papers," XV, 6924 (Bureau of Nat. Lit. Edit.).

peace of a portion of the United States" and protested against it.<sup>4</sup> When Venezuela peremptorily dismissed the French chargé d'affaires on a charge of interfering with the internal concerns of that country (1859) and asked Secretary Cass to transmit its explanations to Paris he declined to do so on the ground that it would be "a departure from our general policy in regard to the intervention in the concerns of other nations."<sup>5</sup> On one occasion Secretary Fish thought it proper to protest against the activity of a Russian representative in attempting to thwart negotiations between the United States and Great Britain and informed our minister to Russia that the President would not view with indifference "this extraordinary attempt to introduce at Washington the diplomatic practices of Constantinople." When our minister in Guatemala had been so indiscreet as to act in concert with the British minister in advising Guatemala how to handle her dispute with Mexico he was reproved by Secretary Day for departing from our traditional policy.<sup>6</sup>

But even before this crimes had been committed of "such peculiar horror" as to make us feel that it was our duty to protest. As early as 1840 our minister at Constantinople was instructed "to interpose his good offices" in behalf of the persecuted Jews of Damascus. When the American consul joined the consuls of other countries in protesting against the execution of a Jew in one of the Barbary states for blasphemy he was commended by Secretary Cass (1857), but he declined a request (1858) to protest to the papal government against outrages on the Jews in Bologna by public

<sup>4</sup> Moore, VI, 15.

<sup>5</sup> *Ibid.*, VI, 17; Forty-second Cong., 2d sess., S. Ex. Doc., No. 5, 17.

<sup>6</sup> *Ibid.*, VI, 27, 31.

authorities. This duty to "outraged humanity," he said, should be left to individuals and to public opinion, for, "if one government assumes the power to judge and censure the proceedings of another or the laws it recognizes, in cases which do not affect their own interests, or the rights of their citizens, the intercourse of nations will soon become a system of crimination and recrimination hostile to friendly communication." <sup>7</sup>

Before the independence of Rumania was recognized by Turkey Secretary Fish, professing "no disposition or intention to give offense by impertinently interfering in the internal affairs of Rumania," deemed it "to be due to humanity to remonstrate against any license or impunity which may have attended the outrages in that country" against the Jews and approved the action of our consul in joining the representatives of other governments in protesting. When Rumania proclaimed her independence of Turkey Secretary Evarts would have liked to couple recognition with the guaranteeing to Jews of the rights stipulated in Article 44 of the treaty of Berlin, but did not venture to make such a guarantee a *sine qua non* of recognition.<sup>8</sup> In 1902 Secretary Hay protested against the action of Rumania in imposing civil, political, and economic disabilities on the Jews in utter disregard of the treaty of Berlin and sounded the great powers on a similar protest. This step was really brought about by the fact that many Jews were fleeing to America. While Jews as such were welcome, those from Rumania came as "outcasts, made doubly paupers by physical and moral oppression" and were

<sup>7</sup> Moore, VI, 348.

<sup>8</sup> For. Rel., 1880, 35,



not considered desirable citizens. Whether our protests had any influence or not, it is noteworthy that there was an improvement in the condition of the Jews in Rumania in the next few years.<sup>9</sup>

In the early eighties the Department of State (Evarts, Blaine, and Frelinghuysen), at the request of Jews in this country, instructed our minister to Russia to say, "with all proper deference," that the friendship of the United States for Russia prompted it to express the hope that the imperial government would find means to cause the persecution of the Jews to stop.<sup>10</sup> The British government was approached on the subject of a similar or concerted action. Ten years later Secretaries Blaine and Gresham renewed the representations to the Russian government, their actions being prompted by the large number of Jews fleeing from Russia to this country.<sup>11</sup> The pogroms at Kishenev (1903) led to a diplomatic inquiry, but there was no protest. However, President Roosevelt did give expression in his annual message (1904) to the horror of the nation at such treatment, and Secretary Hay protested against discriminations against Jews who were American citizens.<sup>12</sup> In December, 1911, President Taft, pursuant to a resolution of Congress, notified Russia that the commercial treaty, which was to expire in January, 1913, would not be renewed. This action was the sequel to Hay's protest against discrimination against American Jews. In no case was there any hint of intervention.

Our ministers to Turkey have always been watchful of the rights of American citizens in that country, but

<sup>9</sup> For. Rel., 1902, 910; 1904, 706.

<sup>10</sup> Moore, VI, 352-3.

<sup>11</sup> For. Rel., 1891, 734-46; 1894, 535.

<sup>12</sup> *Ibid.*, 1903, 712-5; 1904, 790-1.

seem to have been somewhat chary in their protests in behalf of oppressed nationalities. Reference was made above to a protest to Turkey (1840) against her treatment of the Jews. In 1894, when the atrocities against the Armenians began to attract the attention of the world, the Sultan invited the nations, including the United States, to send representatives to join a Turkish commission in the investigation of the alleged atrocities. When the invitation was received Mr. Jewett, our consul at Sivas, by a coincidence which may not be altogether strange, had just reported that the newspaper accounts of the atrocities were greatly exaggerated. "This condition," said President Cleveland, "very much weakened any motive for an interference based on considerations of humanity" and, as the United States was not a party to the treaty of Berlin, in which Turkey had agreed that she would "periodically make known the steps taken to protect the Armenians to the powers, who will superintend their application," he decided not to send a representative. Later, on a second invitation by Turkey and a request from Great Britain, he decided to send the consul, not to join in the investigation, but to find out the exact truth. Now this was something which the Sultan did not want and he declined to let the consul go except as a member of the commission.<sup>13</sup>

Although President Cleveland declared that this movement on our part was "in no sense meant as a gratuitous entanglement of the United States in the so-called Eastern question nor as an officious interference with the right and duty which belong to certain great European powers calling for their intervention" in behalf of the non-Mussulman subjects of the

<sup>13</sup> Moore, "Digest Int. Law," V, 833.

Sultan, yet these great powers, which held the right of interference "as agents of the Christian world," let it be known that this right and duty belonged to them alone.<sup>14</sup>

However, when this attitude was reported to Congress it did not deter Senators Hoar and Call from introducing resolutions directing the President to protest. Perhaps they were moved more by the knowledge that the reports of atrocities had not been exaggerated, for it now appeared that over 25,000 had been killed. Senator Call's resolution was somewhat more vigorous than Senator Hoar's, declaring that it was the duty of the Christian powers, apparently including the United States, to stop, by diplomacy or by force, the massacres and to assure protection to the minorities. These and other resolutions were referred to the committee on foreign relations, which soon reported a mild substitute. This recited the duties of the powers of Europe under the treaty of Berlin and expressed the pious hope that "the European Concert" would speedily give effect to the treaty. The President was directed to make known this sentiment to the powers and he was promised support "in the most vigorous action" he might take to protect American lives and property.<sup>15</sup> Several senators expressed their disgust with this spineless policy, but no resolution of any kind was ever passed in either house, though the matter was discussed in both. At the opening of the next session President Cleveland declared that he did not believe that the "present somber prospect in Turkey" would be long permitted to offend the sight of Christendom.

<sup>14</sup> Richardson, "Messages and Papers," IX, 637-8.

<sup>15</sup> Fifty-fourth Cong., 1st sess., *Cong. Rec.*, Vol. 28, 36, 108, 144, 854, 959, 962.

It so marred the humane and enlightened civilization characteristic of the close of the nineteenth century that it seemed hardly possible that the earnest demand of good people throughout the Christian world for its correction would remain unanswered.<sup>16</sup>

But the atrocities grew less severe and the world paid little attention to them for another ten years. In 1906 a petition endorsed by influential representative men of the leading countries of Europe was addressed to President Roosevelt by two Armenian bishops asking him to take action to prevent the cruelties suffered by their fellow countrymen. In reply to this Secretary Root expressed the deep sympathy of the President and of the American people, but called attention to the treaty of Berlin, which made provision for the oppressed nationalities, and said that the United States, which had not signed the treaty, was

. . . by the unwritten law of more than a century debarred from sharing in the political aims, interests, or responsibilities of Europe, just as by the equally potential doctrine, now nearly a century old, the European powers are excluded from sharing or interfering in the political concerns of the sovereign states of the Western Hemisphere.

. . . . .

The proposition that the President take the initiative in convening a special conference to settle the Armenian question could not be admitted unless it were admissible that a European power could rightfully take similar action to bring about a special conference for the settlement of a question of the internal administration of an American republic, or of the treaty relation of other American republics.

While he thought that "no right-minded man" could "witness such occurrences without craving the power

<sup>16</sup> Richardson, V, 716.

to prevent them," he was convinced that efforts on our part "short of rightful and potential intervention" would accomplish nothing and might do more harm than good.<sup>17</sup>

Such was the official answer, but President Roosevelt is said to have entertained far different sentiments. Recently the man who secured an audience for the Armenian bishops wrote that President Roosevelt said to him that he was ashamed to dismiss them with only honied words. In his opinion the proper thing to do was "to send a fleet of battleships to Constantinople. To such a protest alone the Turks would listen. Unfortunately you know and I know that the Senate will not sanction such action."<sup>18</sup> Later, as the situation grew worse, he was advised to send warships with orders not to fire. This he refused to do, but apparently would have been glad to send them with orders to shoot.

Worse things, the Adana massacres, were yet to come a short time after Roosevelt had gone out of office and still our government took no action, apparently did not even protest. Years afterwards Roosevelt is said to have remarked that the greatest regret that came to him in reviewing his administration was that this government took no steps to stop such outrages on civilization.<sup>19</sup>

It does not seem that the State Department ever took the initiative for any sort of protest against the slaughter of Christians in Turkey. Mr. Oscar Straus, three times minister to Turkey, says that he "again and again brought the subject of the treatment of the Armenians and other subject nationalities to the at-

<sup>17</sup> For. Rel., 1906, II, 1418.

<sup>18</sup> James Bronson Reynolds in the *New Armenia*, XIV, No. 6.

<sup>19</sup> S. Ralph Harlow in the *Outlook*, 132:325.



tention of the Sublime Porte with a view to impressing upon both the Sultan and the ministry the influence it would have upon the relations of the two countries,"<sup>20</sup> but apparently he did this on his own initiative, without any explicit instructions from the State Department or promise that he would be upheld.

With all due respect to President Roosevelt, one cannot but feel that the attitude of the Senate was not altogether unfortunate. The European powers had already given President Cleveland to understand that that was their job. Any attempt at intervention at any time previous to 1914 probably would have resulted in a general European war with some of the powers on the side of Turkey and against the United States. What might have happened in 1919 is another question.

The allied debts to the United States, a heritage of the Great War, have thrown into our hands another lever for interference in European affairs. In the case of Russia the repudiation of the debt has been a part of the cause of the refusal to recognize the Soviet government. Rumania is a smaller country and her debt was contracted subsequent to the armistice. As a condition of the loan, \$30,000,000, she was required to pledge her assets and to agree not to enter into another loan until arrangements had been made to take care of this debt. For nearly four years she paid no interest and when the other European debtors were trying to come to an understanding with the United States she took no part in the movement. In the latter half of 1922 she began negotiating for a loan of \$175,000,000 to be used in refunding British and French loans, whereupon Secretary Hughes protested, calling attention to the

<sup>20</sup> Letter to the writer, Nov. 19, 1922.

fact that the United States had a first lien upon Rumanian assets. The result was the holding up of the loan pending a visit of a debt commission.<sup>21</sup> Some of the Greek statesmen have essayed to lay the Smyrna disaster and the consequent slaughter of Christians at our doors as a result of the stoppage of payments on the loan to them when Constantine returned, thereby making it impossible to keep the army recruited and supplied. With Great Britain, France, and Italy so far the only pressure has been a notice that we expect payment. In private circles there have been many suggestions that pressure be brought to bear on France for the reduction of her military establishment. But France insists that this is vitally connected with the question of reparations and we have steadily refused membership on the reparations commission or to take part in the post-war conferences.

### III. RECOGNITION OF NEW STATES AND NEW GOVERNMENTS

Our policy has been liberal in the recognition of new states, especially those republican in form, though not in the nature of interference even in the latter case. Belgium was recognized soon after her recognition by the parties to the Congress of Vienna. In 1823 Madison suggested that Canning be invited "to join in some declaratory act in behalf of the Greeks," though he was unwilling to sanction anything pledging us to war in their behalf. Nothing of the kind was done. Indeed, more than three years passed after Turkey had signed a treaty agreeing to the independence of Greece before a formal recognition was given by the

<sup>21</sup> N.Y. *Times*, Nov. 12, 1922, 7:1.

United States and over four years more before formal recognition was accorded.

In 1829, after more than a year of pleading, Dom Miguel, the usurping king of Portugal, secured recognition by the United States. After mentioning diplomatic and commercial reasons for according recognition, Mr. Van Buren, secretary of state, said that "the course which had ever before been pursued by the United States of always recognizing the government existing *de facto* . . . left them no choice" in this case. He was never recognized by any other powers except Russia and the Pope and, thus left out in the cold, maintained his position only a few years.

The year 1848 was one of revolutions. A revolutionary parliament in Sicily declared the Bourbons deposed and elected a king, whereupon our consul at Palermo recognized "the nationality and independence of Sicily on the part of the United States." When our State Department found that the new government was taking the recognition seriously our consul was informed that his functions were commercial, not political. No recognition was ever given. The revolutionary forces in Hungary declared their independence and endeavored to establish a republic. This struggle naturally aroused a great deal of sympathetic interest in the United States and President Taylor sent a special agent to Hungary to investigate and notify him if the conditions would warrant recognition. However, Austria, with the help of Russia, crushed Hungary and the agent had nothing favorable to report. In a special message to Congress, May 18, 1850, President Taylor said that had Hungary "been successful in the maintenance of such a government

as we could have recognized, we should have been the first to welcome her into the family of nations."

The sending of the agent became known to Austria and gave rise to a somewhat angry correspondence. The correspondence was still going on when Webster became secretary of state. In reply to a haughty and dictatorial letter from Huelsemann, the Austrian chargé d'affaires, he defended our right to take a special interest in the struggles of Europeans for a responsible and democratic government. Although the United States extended over one of the richest portions of the globe, said he, and was of an extent "in comparison with which the possessions of the Hapsburgs are but a patch on the earth's surface, . . . nevertheless, the United States have abstained, at all times, from acts of interference with the political changes of Europe. They cannot, however, fail to cherish always a lively interest in the fortunes of nations struggling for institutions like their own."<sup>22</sup>

This policy of abstention was put to a severe test with the arrival of Kossuth in America, where he came to invoke the help of the American people in securing the independence of Hungary, "peaceably, if they may, by the moral influence of their declaration, but forcibly if they must, by the physical power of their arms." He was saluted by guns on warships and in forts, escorted by soldiers, and greeted with unbounded enthusiasm by the people in New York. Deputation after deputation waited on him and distinguished men, such as George Bancroft, William Cullen Bryant, Henry J. Raymond, Henry Ward Beecher, Charles A. Dana, and others attended a ban-

<sup>22</sup> Thirty-first Cong., 2d sess., Sen. Ex. Doc., 9, 4.

quet in his honor. The Democratic Central Committee of New York declared that the time for neutrality had passed and promised that one hundred thousand men would, "at the tap of the drum," rally around the American flag when unfurled in the contest between freedom and despotism.<sup>23</sup>

Washington officials, Webster among them, were somewhat embarrassed by the prospect of the coming of this hero. It was not as a hero that they dreaded to see him, but as the head of a state seeking independence and asking for recognition and intervention. Webster said that he would be deaf to all appeals for intervention, but senators and representatives were somewhat divided. Senator Clarke, of Rhode Island, introduced a set of flamboyant resolutions, quoting from Washington, Monroe, and others against intervention, the last of which said that non-intervention was the proper policy, yet when "a provident foresight" warned us that we were in danger, we should "advance to the conflict rather than wait for the approach of the foe." This did not suit Senator Seward, of New York, who moved to amend the resolution so as to make it include a solemn protest against the conduct of Russia in her "wanton and tyrannical infraction of the law of nations" in intervening to put down the Hungarian insurrection and to say that the United States would "not hereafter be indifferent to similar acts of national injustice, oppression, and usurpation, whenever or wherever they may come."<sup>24</sup> Senator Anderson presented and defended a resolution by the legislature of Maine praying that the United States might "exert an influence in some wise and proper

<sup>23</sup> Rhodes, "Hist. U. S.," I, 233 f.

<sup>24</sup> Thirty-second Cong., 1st sess., *Cong. Globe*, 25:136.



manner to prevent all such intervention in the future.”<sup>25</sup>

In the Senate nobody seems to have been ready for war. Indeed, the debate there turned mainly on the question of protest or no protest against Russian intervention, or if a protest should be lodged, the wording of it so as to avoid war. But in the House Mr. Joshua R. Giddings, of Ohio, who had already declared war on slavery, was ready to make war on one nation seeking to enslave another. Quoting Monroe's message to the effect that we would consider any intervention by a European power in America as the manifestation of an unfriendly disposition toward the United States, he asked if there was any principle which bound us to the Mexican republic which did not bind us to the people of Hungary. If Hungary should strike again for liberty, he would have the United States protest firmly and calmly to Russia and invite all civilized nations to join in the protest. Some objected to joining England in such a protest while she was oppressing Ireland. We were, said he, already in alliance with England to protect Africa, yet no one objected to that treaty because of her oppression of Ireland, nor did any one quote Washington's Farewell Address against it as an entangling alliance, as had been done against the proposal to help Hungary. Were the people of Hungary less entitled to protection than the people of Africa. A protest to Russia, he contended, would not lead to war, especially if England joined us in making it.<sup>26</sup>

Fortunately cooler heads ruled in Washington. Kossuth was received there by President Fillmore, by

<sup>25</sup> *Ibid.*, 208.

<sup>26</sup> *Ibid.*, 143-4.

the Senate, and by the House of Representatives, but he was treated as a distinguished man, not as the representative of a new state, and he soon saw that there was no hope of American intervention.

In later years, when Rumania and Serbia separated themselves from Turkey, they were recognized by the United States soon after their recognition by the powers of Europe.

The revolutions in Latin America raised questions of recognition which involved a European power, Spain. Venezuela was the first to declare independence (1811) but Buenos Aires was the first really to achieve it—declared in 1816, really enjoyed from 1810. Venezuela at once asked for recognition and others followed. The matter was seriously discussed in 1816, and a commission was sent to investigate in 1817. The members of this commission were not agreed on details and recognition was held up until 1821. When it was given the Spanish minister protested in very vigorous language and declared that it would have no effect whatever on the rights of Spain. He also took occasion to "cast in our teeth" that recognition had been postponed until the cession of Florida was secured, but his protests and reproaches were of no avail. The last of the Latin-American states which achieved its independence at this time to be recognized was Haiti (1862). The delay in this case was due, not to any regard for the mother country, but to internal conditions of the island and to the presence of slavery in the United States.<sup>27</sup>

The same general policy has been followed in recognizing new governments as in recognizing new states. The revolution of 1830 in France was accomplished

<sup>27</sup> Moore, "Digest International Law," I, 87 f.

without much ado and was soon recognized. A few days after the revolution of 1848 had overturned the monarchy our minister, Mr. Rush, went to the Hôtel de Ville "to cheer and felicitate" the provisional government. Secretary Buchanan approved of his conduct and in transmitting a letter of credence to the new republic wrote:

It was right and proper that the envoy extraordinary and minister plenipotentiary from the United States should be the first to recognize, as far as his power extended, the provisional Government of the French Republic. . . . In its intercourse with foreign nations the Government of the United States, has, from its origin, always recognized *de facto* governments. We recognize the right of all nations to create and reform their own political institutions according to their own will and pleasure. We do not go behind the existing Government to involve ourselves in the question of legitimacy. It is sufficient for us to know that a government exists capable of maintaining itself; and then its recognition inevitably follows on our part.

All of which sounded like good Monroe Doctrine. A few days later similar views were expressed by President Polk in a special message to Congress and that body tendered its congratulations "to the people of France, upon the success of their recent efforts to consolidate the principles of liberty in a republican form of government."<sup>28</sup>

But this success was short-lived, and the policy of recognizing *de facto* governments was put to the test by Louis Napoleon's *coup d'état* of December 2, 1851. Thereupon our minister, Mr. Rives, in order not to give either a "personal or official sanction to measures by which all those guarantees [of civil and political liberty] had been trodden under foot," abstained from

<sup>28</sup> Moore, I, 124-5.

appearing at the weekly receptions of the President. Pending the election Secretary Webster wrote to Mr. Rives that, should a majority of the people sustain Napoleon, his "duty would be plain," to recognize the new order. On the proclamation of the Second Empire Mr. Rives was furnished a letter of credence to the Emperor, Napoleon III, and assured him that "the United States gladly recognized the right of every nation to determine the form of its government." On the overthrow of Napoleon III in 1870 our minister, Mr. Washburn, was still more gladly instructed to recognize the provisional government and to tender congratulations "on the successful establishment of Republican government," all this long before it was certain that a republic would be established. Again the United States was the first to tender recognition.

The same year recognition was somewhat reluctantly extended to the Duke of Aosta, elected king of Spain. In 1873 he abdicated and the Cortes proclaimed a republic and the next day our minister was instructed to recognize it and Congress tendered its congratulations. In less than a year the republican government was driven out by the royalists and some months later we recognized the provisional government which they established.

Soon after the revolution in Portugal (1910) which caused the death of the king and the exile of the royal family, the minister of foreign affairs in the new provisional republican government expressed his surprise to Mr. Lorillard, American minister, that the United States was following the monarchical countries of Europe in refusing to recognize the republic, while Brazil and several Latin-American states had already accorded recognition. In reply Mr. Lorillard explained

that recognition would be accorded as soon as the Portuguese people had determined, by a decisive vote of the Constituent Assembly or in any other unquestionable manner, the form and character of the future government. The Assembly proclaimed the republic on June 19, 1911, and it was recognized on the same day by the American minister.<sup>29</sup>

The Great War brought up several cases of recognition of new states and of new governments. In the latter part of the war the United States and the Allies were determined to break up the Austro-Hungarian Empire and to bring about a revolution in Germany. Naturally Czechoslovakia was promptly recognized and assisted to her feet. Later peace was made with Hungary as a separate nation and with the new government in Germany which had replaced the one overthrown largely through American influence. Peace was also made with the new government of Austria.

Several changes occurred in the governments of the associated powers. That in Greece was forced by the allies and promptly recognized by the United States. The restoration of Constantine after the war was a bitter pill, and the United States and the allies refused to swallow it. That the Constantine government was the *de facto* government was not open to question and many claimed that it was the *de jure* government, since he was recalled by a vote of the people. There were several reasons why the Allies did not recognize him, but the only one publicly announced by the United States was refusal to recognize the legality of his son's reign, in consequence of which Greece might legally refuse to meet the obligations to the United

<sup>29</sup> For. Rel., 1911, 689, 691.



States created during that reign. Another reason advanced by some was that the present government was illegal, the constitution having been revised by the National Assembly, which had no right to do this, hence its acts might be disavowed by the next administration. When Constantine was again forced to abdicate (1922) he was reported to have sought to lay the blame for it on the refusal of the United States to recognize him.

The first revolution in Russia was hailed with delight and a special commission, headed by Mr. Elihu Root, was sent over to confer with the new government. When this was overthrown by the Soviet government, which made peace with Germany and repudiated the Russian debts, the Allies began war upon it and they were joined by the United States without any formal declaration. The *de facto* government was not recognized by the United States down to the middle of 1923, though *quasi* recognition had been accorded by some of the European powers. On the other hand, Bakhmetieff, representative of the government which perished in 1917, continued to reside near the government of the United States until June, 1922, and was recognized as the representative of Russia. Even when he withdrew, the embassy was left in the hands of clerks who were still accorded diplomatic privileges. One reason for this was that Bakhmetieff had charge of several million dollars which the United States had loaned Russia. By doing this the United States was protecting against loss its citizens who had made contracts with Russia and pocketing the loss herself. Had she turned the money over to the Soviets, both would have lost.

When Poland declared her independence of Russia

and set up a government of her own she was promptly recognized. Indeed, she was assisted in the process, for she was hostile to Soviet Russia and to Germany. Finland was recognized, though she was neutral with slight leanings toward Germany. No attention was paid to the efforts of Latvia, Lithuania, and the Ukraine to establish separate governments and they were not recognized by the United States until July 28, 1922,<sup>30</sup> although they had been members of the League of Nations for several years. One of the allies, Montenegro, was absorbed by one of her own allies, Serbia, and the absorption was acquiesced in without any protest.

#### IV. PARTICIPATION IN NON-POLITICAL EUROPEAN CONFERENCES

The policy of non-interference has never been interpreted to mean that we should not coöperate with European powers. In some cases we have refused, in others acted independently, in others coöperated, often with a reservation of our traditional policy.

In 1856 we were asked to adhere to the principles of international law agreed upon by the powers at the peace of Paris. One of these provided for the abolition of privateering. Secretary Marcy declined for the United States, saying that it was our policy to maintain a small navy and that, since private property was not exempt from capture, we wished to be able to augment the navy on the outbreak of war.

For a long time Denmark collected dues on vessels passing through the Sound. In the nineteenth century many nations objected to the continued collection of these dues. In 1855 Denmark called a conference to

<sup>30</sup> N.Y. *Times*, July 29, 1922, 4:5.

consider the matter and invited the United States to send a representative. Secretary Marcy said that while the conference would deal with questions of cogent interest to the United States, it would also be associated with plans and purposes which concerned the balance of power in Europe, and President Pierce declined to send a representative.<sup>31</sup>

The conference met in 1856 and the powers represented capitalized the Sound dues and paid Denmark a lump sum to discontinue them. The next year the United States made a separate treaty with Denmark by which she agreed to pay Denmark \$393,011, all as compensation for making the passage of the Sound safe.

Although the United States declined the invitation of Denmark, she has participated in more than a score of European conferences and in several world conferences. In addition she has subscribed to six conventions drawn up at conferences in which she was not represented. These were three Red Cross Conventions, 1864, 1868, and 1906, a convention for international protection of industrial property (1883), a convention regulating the importation of liquors into certain parts of Africa (1899), and one revising the last (1906).

The first European conference in which the United States was represented sat at Paris in 1875 and drew up a convention for the regulation of weights and measures. Most of the conferences in which she has participated since then dealt with economic and social problems and, in general, the conventions agreed to provided uniform standards of action for the signatory powers. Several deal with sanitation and health, several with means of communication, two with

<sup>31</sup> Forty-eighth Cong., 1st sess., H. Rep., No. 2655, 22-3.

morals, one with repression of the slave trade, one with copyrights and several with questions of a purely economic character. It should be added here that several of these conferences included other American powers than the United States.

In addition to the foregoing the United States has participated in several conferences more or less political in character. Among these were the Hague conferences (1899 and 1907). The cause for the calling of these conferences and their general result are so well known as to need no recapitulation here. The United States acceded to the conventions with the following reservation:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or internal administration of any foreign state; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.<sup>32</sup>

On several occasions the United States has refused to accept invitations to conferences and to coöperative action where political questions were involved. When it appeared possible that we might be invited to attend a congress proposed by Canning to settle trouble between Spain and her colonies, Madison warned Monroe (1823) that "acceptance would be a step leading us into a wilderness of politics and a den of conspirators," but thought that our refusal should be polite.<sup>33</sup> We have already seen that the invitation to join Great Britain and France in guaranteeing Cuba

<sup>32</sup> Davis, "Elements of International Law," 260.

<sup>33</sup> "Writings of Madison," III (1865), 354.

to Spain was refused. Later we shall see that an invitation to a joint demonstration against Mexico was declined. In 1863 the Poles were in revolt against the Tsar of Russia. When Napoleon III invited us to join France, Austria, and England in a remonstrance to the Tsar, Secretary Seward felt the seductive nature of the occasion, yet he stood firm. Our institutions, said he, were founded on the basis of the rights of man, and the United States was ever looked to by revolutionists in all quarters for active support and patronage, yet the American people must be content "to recommend the cause of human progress by the wisdom with which they should exercise the powers of self-government, forbearing at all times, and in every way, from foreign alliances, intervention, and interference." Washington had indeed "thought that a time might come when . . . we might safely and perhaps beneficially take part in the consultations held by foreign states for the common advantage of the nations," but "our policy of non-intervention, straight, absolute, and peculiar as it may seem to the other nations," had become "a traditional one which could not be abandoned without the most urgent occasion, amounting to a manifest necessity." In pursuance of this "ancient and settled policy" he later declined the invitation of Haiti to join the other maritime powers in guaranteeing to her the sovereignty over Samana Bay.<sup>34</sup>

Whether the "manifest necessity" arose or not, it was not very long after Seward left the Department of State before we were participating in European conferences more or less political in character, as the following pages will show.

<sup>34</sup> Moore, VI, 23-5.



## V. THE FIRST MOROCCAN (MADRID) CONFERENCE

Driven from America by Great Britain in 1763 and prevented by the same power from reëntering this field in the time of Napoleon, France finally turned to northern Africa as a new field for colonization. Her entrance there was, at first, not of her own seeking. In 1830 she sent an expedition to punish the Dey of Algiers for firing on a French vessel and slapping a consul in the face. For several years France was uncertain whether to remain or get out, but decided to keep a garrison there to end Barbary piracy. After several years of intermittent warfare the Mohammedan chieftain, Abd-el-Kader, surrendered, and Algiers became a French colony (1847).

In the prosecution of this war Abd-el-Kader sometimes crossed over into Morocco, but Great Britain insisted (1844) that France should not occupy this country. In 1860 she also prevented Spain from establishing a protectorate there. The reason was that she did not care to have a rival power in possession of a fortress opposite Gibraltar. However, the next year Spain secured a treaty with Morocco giving the Spanish subjects and protégés, whether Mohammedans, Christians, or Jews, exemption from all taxes and military service, and certain other privileges. In 1863 France secured a similar treaty.<sup>35</sup>

In the course of time the Moorish government complained of abuses growing out of this practice, the privileges of which had been extended to other countries under the most-favored-nation clause. The British government seems to have thought that the Amer-

<sup>35</sup> For. Rel., 1880-81, I, 792.

ican consul was one of the worst offenders and called the attention of our government to his conduct in extending protection to so many natives in places where we had practically no trade. The representatives at Tangier held several conferences on the matter in 1877 and agreed to meet the greater part of the demands of Morocco, but France, Italy, Brazil, and Portugal protested against conceding several of the demands.

Some of these abuses continued and friction was increased by the protection given by the foreign representatives to Moorish subjects who had been naturalized in their respective countries. The grand vizier complained of this and declared that the law of Morocco did not allow subjects to change their allegiance. The treatment of the non-Mohammedan population, especially Jews, by the Moroccan government and by private individuals and bands was atrocious. In consequence many acquired citizenship elsewhere and returned to Morocco, claiming the protection of the government under which naturalized. In February, 1880, the grand vizier issued a circular to the foreign ministers and consuls notifying them that naturalization papers and passports would not be recognized as affording any special protection. Thereupon the United States, France, Brazil, and Italy protested and the American consul, Mr. Felix A. Mathews, notified the grand vizier that naturalized citizens would be protected the same as native born. Mr. Mathews was very strong in his denunciation of Morocco for her treatment of the Jews. He also addressed a "friendly" letter to the grand vizier advising him to modify his demands before the emperor lost some of his territory, as the Sultan of Turkey had done a few years before.

When he reported this to Washington, Secretary Evarts signified his approval.

Meantime the British government had suggested to the United States that, unless the government would instruct their agents to satisfy the demands of the Moorish government, the best solution was to be found in a conference. Early in 1880 the Spanish government invited the powers to such a conference in Madrid. The conference was composed of the resident ministers of Austria, Belgium, France, Germany, Great Britain (acting also for Denmark), Italy, Netherlands, Portugal, Sweden-Norway, the United States, and the prime minister of Spain and a representative of Morocco.

The conference sat at intervals from May 19 to July 3, 1880. To this body the representative of Morocco now presented the Tangier demands in a modified form. In substance they were that the employees of foreign agents should be strictly limited in number, that they should be chosen from the inhabitants of the cities and ports and not from the interior, and that irregular protection should stop. The change in the nature of the demands caused Admiral Juarez, the French minister, to say that he could not take part in the discussion until he had referred the matter to his government for instructions. He also understood that acceptance of the demands would mean the abrogation of the treaty of 1863. This, he said, was not a matter to be determined by the conference.

Judging from the official account given by Mr. Lucius Fairchild, the minister of the United States, the discussions do not appear to have been particularly heated, yet the waters were not always smooth. Sackville West, the agent of Great Britain, as a pre-

liminary to certain proposals, announced that his government desired to maintain the independence of the Sultan of Morocco as well as his authority.<sup>36</sup> Undoubtedly this was a warning to France. The proposals were then offered. Juarez saw that their purpose was to limit French activity in Morocco and he asked the conference to adjourn until he could refer them to Paris. When the conference reassembled he announced that his government would not listen to such proposals. West then withdrew his proposals to make way for others. Austria and Italy now brought forward certain proposals, but France objected to them. To give up the right of selecting employees from the interior would be a check upon her policy of penetration.

At this point Mr. Fairchild took the Moroccan agent aside and said to him: "If you do not concede this point, what will Morocco get? Nothing; while France and the other powers will still have their treaties and conventions, and things will continue as they are today." The Moroccan agent appeared to be unmoved and Mr. Fairchild spent his time between the eighth and ninth sessions in preparing a new set of proposals. However, when the conference met again a week later the Moroccan agent yielded. Several other questions were taken up and on one of these, the rights of naturalized citizens, Mr. Fairchild declared that while the United States made no distinction between native born and naturalized citizens, he would not hold that a native of Morocco, or of any country, who had been naturalized in the United States and returned to his native country with the intent of remaining

<sup>36</sup> Compare the words used by the German Kaiser at Tangier in 1905, *infra*, 156.

there, could continue to claim rights as a naturalized citizen.

The conference closed with the sixteenth session. The result was a convention regulating the protection to be accorded by ministers and consuls to their employees and specifying certain rights to foreigners resident in Morocco. Subjects who had been naturalized in some foreign country and returned to Morocco should, after having resided there for a time equal to that necessary for the securing of their naturalization papers, choose between submission to the laws or leaving the country, unless Morocco had consented to naturalization. Naturalization heretofore acquired was to continue without any restrictions. Irregular and unofficial protection should cease.<sup>37</sup>

The final article of the convention provided that it should be ratified, but also provided that it should, "by exceptional consent of the high contracting parties," take effect the day of its signature at Madrid. No concerted or joint action of the signatory powers was required. When Secretary Evarts received the convention from Mr. Fairchild he observed that the Constitution prevented the government from according validity to "such an international compact in advance of the consent of the Senate," but the circumstances were exceptional and he thought it unlikely that any issue would arise, pending ratification, which would call for diplomatic action. The convention was ratified and was proclaimed December 21, 1881, and is considered as still in effect by the State Department.<sup>38</sup>

Was the United States interfering in European affairs? She entered a conference to discuss affairs in

<sup>37</sup> For. Rel., 1880-81, I, 918 f.

<sup>38</sup> Letter from the State Department, May 26, 1923.



which they all had something of a common interest, yet she advised the weak power, in judgment upon which they were sitting, to yield to the demands of France. Apparently no suggestion was made to France to modify her demands, consequently this amounted to the promotion of French interests at the expense of a non-European power.

## VI. THE BERLIN CONFERENCE

The explorations of Henry M. Stanley in Africa, financed by James Gordon Bennett, opened the eyes of Europe to the great possibilities of trade and colonization in the Congo basin. In 1876 King Leopold of Belgium called a conference of geographers and explorers at Brussels to discuss ways and means of ending the slave trade and of introducing civilization into this part of Africa. At this conference the International Association for the Exploration and Civilization of Central Africa was formed with an International Commission as the executive body and with branch associations in the countries represented, including the United States. Mr. H. S. Sanford, sometime minister to Belgium, was an active member of the International Commission.

Slave traders had established "barracoons," or slave depots, along the river and had raised the flags of their respective countries. While no country had established any territorial claim there, many of them recognized the rights of their citizens to protection under their flags. As the slave trade declined some of these barracoons had been kept as factories. They were still there when Stanley went about as the agent of the International Association buying places for its

stations and making treaties with the natives for rights of control. A flag was necessary for protection against charges of piracy. As the Association could not claim the flag of any one country it adopted a flag of its own, a golden star in a blue field. Within five years the Association had made nearly one hundred treaties affecting commercial rights and the maintenance of law and order.<sup>39</sup>

By this time the possibilities of the Congo as a field of great adventure were becoming known in Europe and the old colonizing powers began to set up claims. France and Portugal acted first and were soon followed by Germany, which was new in the colonizing business. In February, 1884, England signed a treaty with Portugal recognizing her claims to a monopoly on the mouth of the Congo. France and Germany now protested and at the request of Leopold England suspended the treaty. The International Association had been exercising sovereign powers under its flag, and President Arthur, on the advice of the Senate, recognized it (April 22, 1884) as a friendly power. After some investigation of the Stanley treaties Great Britain terminated the Portuguese treaty. France now recognized the new state. She was soon followed by Germany, which called a conference at Berlin to consider the relation of the powers to the new state.<sup>40</sup>

When Secretary Frelinghuysen received the invitation for the United States he asked Mr. John A. Kasson, minister to Berlin, if he knew anything of the measures to be proposed and, if so, "whether they

<sup>39</sup> Forty-eighth Cong., 2d sess., H. Ex. Doc., No. 247, 166. Hereafter, "H. Ex. Doc., 247."

<sup>40</sup> Forty-eighth Cong., 2d sess., H. Rep., Vol. 2, No. 2655, 4-5. Hereafter, "H. Rep. 2655."

would comport with the policy of non-interference adopted by this government." The invitation had said that the conference would discuss: (1) liberty of trade in the Congo; (2) the internationalization of the Congo and Niger rivers on the principles applied to the Danube; and (3) the definition of the formalities to be observed in order that any new occupations of territory upon the African coast should be deemed effective. Mr. Kasson replied that the United States had already approved the first the previous winter and that the other two seemed to be "consistent with our precedents and declared policy," especially as the last was designed to protect the native tribes against foreign encroachments and as no country would be bound by the conclusions of the conference until they were ratified by its government.

The conference met in November, 1884, and continued in session for several months. As its proceedings became known in America people began to talk of our participation in it as contrary to the Monroe Doctrine. Early in January, 1885, the House of Representatives called on the President for information as to the cause and manner of our participation in the conference and for papers relating to it. In replying Secretary Frelinghuysen took occasion to say that our participation was not

at variance with those which the United States have ever maintained in respect to the American continent. The cases are diametrically converse. The venerated doctrine put forth by Monroe was simply that the time had passed for obtaining fresh footholds on the American continent, since the whole of it was subject to recognized sovereignties whose rights of possession must be maintained and respected. In 1823, not a foot of land remained subject to

alienation at will by the aboriginal tribes of America; in 1884, the whole of the heart of Africa remained to be opened up to occupancy and control of civilization.<sup>41</sup>

But this reply did not satisfy the House committee on foreign affairs. For the majority of this committee the Hon. Andrew G. Curtin presented a report declaring that our participation in the conference was a "new departure from the history and traditions of this government" and that if it should be allowed to pass without protest it might mark the beginning of a "new departure in the foreign policy of the United States and might engraft upon the peaceful precedents of our diplomacy a precedent liable to become pregnant with foreign discord and domestic unrest." In consequence he offered a resolution to the effect that "no prospect of commercial advantage warrants a departure from the traditional policy" of avoiding "all entangling alliances with the nations of the Old World" and that our participation in the Congo conference was an unfortunate departure from the policy of non-participation "in any political combination or movement outside of the American continent." Four members offered a substitute slightly stronger in condemnation and one of these, the Hon. Perry Belmont, denounced at great length the whole proceeding as a violation of the Monroe Doctrine. Space will permit notice of only one specific point raised by Mr. Belmont.<sup>42</sup>

The original proposal made to the conference for the free navigation of the Congo river proposed to apply to it the principles of the Congress of Vienna

<sup>41</sup> H. Doc., 247, 11.

<sup>42</sup> H. Rep., 2655, 1.

which had "received an application more and more extensive to the rivers of Europe and America." Mr. Kasson objected to this wording on the ground that we had never conceded the right of any European congress "to regulate directly or indirectly the rights applicable to American jurisdiction." Mr. Belmont waxed sarcastic about this and thought it hardly polite or consistent to attend a European conference to secure from it concessions or gifts which we would not allow a similar conference to discuss when affecting America.

The resolution was offered only four days before the end of the session of Congress and never was acted upon.

The conference at Berlin collected its agreements into a General Act, divided into eight chapters. The first chapter provided for complete liberty of commerce ("open door") in certain defined regions of the Congo. In the second each of the signatory powers agreed to use all the means in its power to suppress the slave trade. The third provided for the neutrality of the territory in the Congo where the powers exercised rights of sovereignty. The fourth guaranteed the free navigation of the Congo river and provided for an international commission for the carrying out of this provision. Chapter five dealt with the Niger and its affluents in the same general way except that Great Britain and France reserved to themselves the administration of the act on the parts of the rivers within their respective territories. The sixth provided that thereafter each nation acquiring territory in Africa should notify the other signatory powers. Chapter seven left the way open for future changes and for the adhesion of other powers by a separate act and



provided that the act should be ratified by the governments represented within one year.<sup>43</sup>

The act was signed by representatives of the United States (Kasson and Sandford), Germany, Austria-Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, The Netherlands, Portugal, Russia, Sweden and Norway, and Turkey.

Before the act was received in America there had been a change of administrations. In his first annual message President Cleveland transmitted the document to Congress, but implied that our delegates had exceeded their authority in signing, and advised against ratification on the ground that "the obligation of enforcing neutrality in the remote valley of the Kongo would be an alliance whose responsibilities we" were "not in a position to assume."

The unsatisfactory operation of the General Act of Berlin led to the calling of a conference at Brussels, 1889-90, to revise it. In accepting the invitation to send delegates Mr. Adee, acting secretary of state, stated that our government would "gladly aid by the use of naval force to prevent the exportation of slaves from Africa," but that the President was unwilling to commit the government to "invasion of Africa with a military force in conjunction with the European powers who have territorial possessions or protectoral interests on that continent." The United States was represented by Edwin H. Terrell and H. S. Sanford, the latter having attended the Conference at Berlin, though not as an accredited delegate.

The conference agreed that the signatory powers should take steps in common for the repression of the slave trade and drew up an elaborate convention for

<sup>43</sup> Forty-ninth Cong., 1st sess., Sen. Misc., Vol. 2, No. 68.

the prohibition of this traffic and of the importation and sale of firearms, ammunition, and spirituous liquors in a zone comprising nearly all of Africa and the islands some distance from its coast. This involved the right to stop and search suspected vessels of less than five hundred tons burden, a feature which had been largely instrumental in keeping the United States from joining England in an anti-slave-trade crusade in 1815. The convention also contained a general tariff act affecting the Congo.

Our delegates were authorized to sign the general slave-trade act, if all references to the Berlin treaty were eliminated and the general tariff act with the understanding that we were to negotiate a separate commercial treaty with the Congo Free State, but this was found to be impracticable, and they signed on the assumption that the tariff act did not discriminate against the United States. When the convention was submitted to the Senate that body adjourned without action, but the time of exchange of ratifications was extended from July 2, 1891, to February 2, 1892, by common consent. The Senate then ratified with the reservation

that the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatever in the possessions or protectorates established or claimed in that Continent by the other powers, or any approval of the wisdom, expediency, or lawfulness thereof, and does not join in any expressions of the said General Act which might be construed into an acknowledgment.<sup>44</sup>

A good many people regarded this as committing the United States to the General Act of Berlin, but

<sup>44</sup>Treaties and Conventions, etc., 1776-1909, II, 1991.

when another conference was called at Brussels in 1899 for another revision President McKinley declined to send delegates. However, he reserved the right of accession and the convention drawn up at this conference was ratified by the Senate without any reservations.

A convention for a third revision of the General Act of Berlin was signed by numerous powers at St. Germain-en-Laye and at Paris in September, 1919, the American delegates being Mr. Frank Lyon Polk, under secretary of state, Mr. Henry White, and General Tasker H. Bliss. This convention provided for freedom of trade for the signatory powers in the Congo. Another treaty of the same date provided for the prohibition of the manufacture, distribution, and sale of trade liquors except under license in all Africa except Algiers, Tunis, Morocco, Libya, Egypt, and the South African Union. It further provided for a Central International Office, under control of the League of Nations, for collecting documents exchanged by the powers concerning their operations under this convention. Disputes concerning rights under the convention were to be referred to the arbitral tribunal of the League of Nations. As the Senate rejected the League of Nations naturally it could not be expected to ratify these treaties.

#### VII. THE ALGECIRAS CONFERENCE

For some time after the Madrid Conference France encountered no opposition from outside to her adventures in Morocco. She also continued her penetration south and eastward, aiming at upper Egypt. There she came in conflict with the English at Fashoda in 1898 and for a time it looked as if the two powers

would come to blows. However, an agreement was soon patched up (1899) and France agreed to retire from the Egyptian Sudan in return for the undisputed right to occupy Wadai in central Sudan as a connecting link between the Congo and her possessions in the northwest. But friction continued, for the British were still bolstering up the Sultan of Morocco against French aggressions. In spite of this, and of the opposition of Germany, which had supported France in 1880 at Madrid, the French influence in Morocco increased and in 1902 the Sultan made two agreements which opened the door wider to further French interference in the internal affairs of Morocco. Concessions granted by the incompetent Sultan to foreigners of different countries only made things worse and the country was soon in a condition of anarchy. In April, 1904, Great Britain agreed to give France a free hand in Morocco and France agreed to an English protectorate in Egypt. The situation now grew worse in Morocco and France demanded certain reforms to be carried out under her advice. The Kaiser, in spite of the defection of England decided to support the Sultan and landed at Tangier, where he saluted the Sultan as an independent ruler. Thus encouraged the Sultan refused the demands and a French invasion seemed imminent. At the suggestion of the Kaiser the government of Morocco asked for a conference of the powers. To this France somewhat unwillingly assented.

The invitation, which does not give the real reason for the conference, sounds like a queer document for one nation to send to another. In this the Moroccan minister of foreign affairs invites the great powers to a conference "to discuss the manner for suitable re-

forms which his Shereefian Majesty has determined to introduce into his empire, and the expenses to carry out the same." Finding that Germany and France had signed a preliminary agreement on the basis of the conference and the topics to be discussed, Secretary Root indicated that the United States, as one of the powers which had signed the Convention of Madrid (1880) was willing to take part. The subjects for discussion as agreed upon by France and Germany were—

- I. (1) Organization, by way of international agreement, of the police outside the border region.  
(2) Organized surveillance and suppression of the smuggling of arms. Enforcement in the border region to belong exclusively to France and Morocco.
- II. Financial reforms, involving the establishment of a bank of issue which should take charge of the treasury and of the mint. Credits should be applied to government expenses and to urgent public works, especially to the improvement of harbors.
- III. Improvement of customs receipts and finding new sources of revenue.
- IV. Undertaking on the part of the Maghizen that no public service should be disposed for the benefit of private interests.  
Contracts for public works to be let to the lowest bidder, regardless of nationality.<sup>45</sup>

As representatives of the United States in this conference, President Roosevelt named the Hon. Henry

<sup>45</sup> For. Rel., 1905, 668 ff.



White, ambassador to Italy, and the Hon. S. R. Gum-  
mere, minister to Morocco. In his instructions to  
these gentlemen Secretary Root said, in substance,  
that we should insist on the "open-door" policy. As  
for the special political problems affecting the relation  
of Morocco to the European powers, the United States  
would have "little to do beyond expression of its wish  
that equality and stability be secured." The third sub-  
ject proposed by France and Germany, a more eco-  
nomical collection of the revenues, would concern us  
only in the event of discriminating duties, which were  
to be guarded against. In general they were to stand  
for fair play for the United States, Morocco, and all  
the interested nations and to use their influence to  
compose dissidence of aims that might arise in the  
conference.

— The conference met at Algeciras January 16, 1906,  
with the following nations represented: Austria, Bel-  
gium, France, Germany, Great Britain, Italy, Morocco,  
The Netherlands, Portugal, Russia, Spain, and Swe-  
den. The real discussions took place in committee  
of the whole, the proceedings of which were not pub-  
lished, and in small groups. For this reason it is not  
easy to gather much from the official reports of the  
regular sessions, which simply registered decisions,  
about the part played by the American delegates, yet  
a few things stand out and others may be surmised.  
When the financial arrangements were under discus-  
sion Mr. White offered an amendment looking to the  
ultimate termination of the collecting of taxes in  
Morocco by consuls, but withdrew it because of oppo-  
sition by Spain. Afterwards the Spanish delegates  
admitted to him the justice of his motion, but said  
that they "felt obliged for political requirements to

oppose it." The American delegates participated in the private discussions over the police force and the bank in which there was a very sharp divergence of opinion between France and Germany. These discussions were held in private so as not to reveal to the Moorish delegates "a lack of unanimity among the powers." At one stage in the proceedings Secretary Root instructed our delegates to oppose the Austrian proposal to divide the eight Moroccan ports among France (4), Spain (3), and Switzerland (1), on the ground that this would mean the end of the "open door." For the same reasons he had opposed the French claim to the right to organize the police force. For the same reason Germany opposed giving the mandate of policing to France and Spain, as proposed by Secretary Root. The proposal of Austria for an inspection of the police by an inspector subject to the diplomatic body at Tangier was stoutly resisted by France. Private meetings were then held by the British, French, Italian, Russian, and American senior delegates to see if some means could not be devised to bring the German and French delegates together. After considerable discussion they asked the French delegate to draw up a paragraph meeting his views and then Mr. White went back and forth between the German and French delegates, making changes to suit each, until both accepted it. Mr. Gummere then proposed it to the committee of experts who reported it to the conference and there it was adopted. Nominally this left the police force in the hands of the Sultan, to be commanded by a Moroccan officer, but the army was to be instructed by French and Spanish officers for five years. A sop to Germany was offered in the provision for inspection once a year by a Swiss officer. The bank

was to be an international institution, but each country was given the option of taking shares or not. Secretary Root said that he was willing to induce American bankers to participate if necessary to get the institution going, but otherwise would remain outside.<sup>46</sup>

The conclusions of the conference were embodied in a General Act covering some sixteen closely printed pages. The provisions other than those given do not concern us here. The act was signed by our representatives with the reservation that they did so "without assuming obligations or responsibility for the enforcement thereof." The Moroccan delegates were not authorized to sign, and the act was sent to the Sultan. To make sure of his ratification the conference sent the dean of the diplomatic corps at Tangier, Mr. Malmusi, of Italy, to call "the attention of his Majesty the Sultan to the great advantages that his Empire would derive from the stipulations." His Majesty ratified, as did also the Senate of the United States. In giving its ratification the Senate resolved that it did so with the understanding that our participation in the conference and in the formulation and adoption of the general act was for the sole purpose of safeguarding our interests in Morocco and that these acts were done "without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope."<sup>47</sup>

So far as the treaty as ratified is concerned the Senate undoubtedly was right, but the same cannot be said in regard to our participation in the conference which drew it up, or that of Madrid (1880).

<sup>46</sup> For. Rel., 1906-7, Part 2, 1478-95.

<sup>47</sup> Statutes at Large, 34, Part 3, 2946.

The Sultan of Turkey has often been referred to as the "sick man of Europe." The Sultan of Morocco was the sick man of Africa. The powers were not simply standing about, like vultures, waiting for him to die. They were hastening his death. The United States was a spectator, but not altogether silent. No restraining hand was ever put forth, as it was in China, but what little was done only hastened the end. Before the Madrid Conference ever met, as noted above, our consul, Mr. Felix S. Mathews, addressed a "friendly" letter to the grand vizier in which, while stating that it was "against our policy and desire that any part of this empire should pass into other hands," he warned the grand vizier that he would better reform the treatment of Jews, lest the other nations should despoil the Sultan. We have already seen that Mr. Fairchild used his influence to persuade Morocco to submit to French domination.<sup>48</sup> While no such activity seems to have been manifested at Algeciras, no effort appears to have been made to support a weak power against a strong one. It is true that there were "disorders" in Morocco, but these disorders were largely caused by the presence of the very people who were demanding their suppression. Besides, if all the nations were interested in the maintenance of order in Morocco, which was the ostensible cause of the conference, then the maintenance of order was an international task. But the American delegates supported France and gave to her the main task of suppressing the disorders, a position which she used to make Morocco French territory. At the Berlin Conference no effort was made to keep the powers out of the densely populated Congo, though it does seem

<sup>48</sup> For. Rel., 1880-81, I, 795-6.

that a degree of interest in the fair treatment of the natives was manifested. But there can be no guarantee of promises unless the signatory powers expect to assume some responsibility for the enforcement of the treaties they sign. Members of the House recognized this fact, as we have already seen, as did President Cleveland when he declined to ask the Senate to ratify the General Act. The conduct of our delegates at Algeciras differed very little from that of our delegates at Madrid. While they did not advise the Emperor of Morocco to submit to an operation, they supported the powers calling for the operation and seem to have given the major part of their support to France, who claimed the right to perform the operation. While the Senate reservation relieved us of any obligation to see that the treaty was enforced, it did not alter the fact that we had interfered to the extent of helping France to get the other powers, or rather Germany, to give way to her; neither did the reservation alter our obligation, if there ever was any, to protest against the throttling of a weak state, a policy that we were then following in China.

If we will not meddle in European politics so as to become involved in their broils, it seems that we might at least abstain from helping the powers by our advice and "moral" support to overwhelm weak, non-European states. They have been very successful at that without any help from us. Indeed, we soon had occasion to regret the rapidity of the absorption, for when France had forced upon the Sultan a treaty recognizing the French protectorate she notified us that her judicial system would replace the French consular courts and asked us to adhere to her treaty with Morocco, thus giving up our capitulatory rights, but the



State Department declined to do so on the ground that this would be "contrary to our traditional policy." However, we later recognized her protectorate (January 15, 1917) and closed our legation. In 1921 France declared the capitulations abolished and that children of foreign parents, one of whom was amenable to French protectorate courts, were French citizens. On the protest of Great Britain this matter was referred to the International Court of Justice, which body decided that international law and treaties, and not municipal law, governed the status of foreigners in protectorates. These two powers effected a compromise, but the United States has never renounced her capitular rights and the treaty of 1880, as also that of 1836, "is still in effect in so far as the Government of the United States is concerned."<sup>49</sup>

But the foregoing account, which may be gathered from the official documents, is not the whole story. Revelations outside the official archives indicate that the interference was not all of our own initiative, but that President Roosevelt was urged by the German Kaiser to call a conference in order that he might find a means of escaping with honor from an ugly situation. The statement made above that Secretary Root indicated a willingness to participate on finding that Germany and France had signed a preliminary agreement on the basis of the conference really means nothing more nor less than that this agreement was virtually forced by the United States. It was not done by the "big stick" methods. Neither power really wanted war; the intervention of the United States was wanted as a

<sup>49</sup> For. Rel., 1914, 904-923; N.Y. *Times*, Feb. 8, 1923, 3:3; Letters from Hon. Wm. Phillips, Under Secretary of State, May 26, and June 28, 1923.

means of averting war and this agreement was signed as a price of our intervention. Most of the yielding had to be done by the Kaiser, who assured President Roosevelt that he would abide by any reasonable decision reached by the conference.

In his assurances to President Roosevelt the Kaiser had declared that he wanted no territory, but only equal rights, an "open door" for economic opportunity. This was a policy for which the United States had recently been active, applying it against Germany in Asia, and now she naturally supported Germany's demands. But as the conference progressed it became evident that the Kaiser wanted a sphere of influence in Morocco, a separate port on the Atlantic. When France refused this President Roosevelt gave her his support, though he secured for Germany a door at least nominally open. When the Kaiser remained obdurate, unwilling to accept such a deal, President Roosevelt brought out his "big stick," threatening to publish the correspondence in which the Kaiser had appealed for intervention. Then the Kaiser yielded and war was averted.<sup>50</sup>

From this it appears that the intervention was not for the purpose of helping the great powers to overwhelm a weak power, but to save the great powers from a destructive war. That success in averting war was achieved at the price of sacrificing a weak, backward nation raises a problem of international ethics which the reader is left to solve.

<sup>50</sup> Bishop, "Theodore Roosevelt and His Times," I, 467, quoted in "Annals of the Academy," 96:38-9. Letter to the writer from one "high in diplomatic circles" in 1906.

## CHAPTER VIII

### INTERFERENCE IN AFRICA, THE PACIFIC AND ASIA

While Africa, the Pacific, and Asia are no part of Europe, their destiny has been so intimately bound up with that of Europe for more than a century that any interference in these regions is tantamount to interfering with the international concerns of Europe, if not with its internal policies. When we took over the Philippines some said that that was an abandonment of the Monroe Doctrine. When reminded that Asia was not mentioned in the Monroe Doctrine, the reply was that that made no difference, we were getting into non-American questions. It was also urged that if we maintained the Monroe Doctrine for America, consistency demanded that we allow Japan to work out a similar doctrine for herself in Asia. But we did not get out of Asia, nor have we been willing to leave Japan with a free hand, in spite of the Lansing-Ishii agreement.

#### I. LOOKING AFTER LIBERIA

Our first interest other than purely commercial was in Africa. The foundations for a new state in Africa were laid in 1819, when Congress provided for the return of negroes captured from slavers and appropriated \$100,000 to carry out the act. The previous year the American Colonization Society had sent over

some agents to negotiate with the natives for the purchase of a site for the settlement of freedmen, but these and subsequent negotiations of the society and of the United States failed until Lieutenant R. P. Stockton, of the *Alligator*, "energetically persuaded the natives to sell" (December 21, 1821). Financial support was furnished by the colonization society and moral, naval, and indirect financial support was accorded by the United States.<sup>1</sup>

So far it can hardly be said that there was any connection whatever between our interest in Liberia and the Monroe Doctrine. While Monroe had said that he might interfere with European policies in America, he had said nothing about interfering with them in Africa. At this time he was not interfering with them there, for the scramble for the partition of Africa had not begun and the powers which had colonies there made no protest whatever against the founding of a new colony or state. However, the new state soon began to realize that there were such things as European powers and later we were to be drawn into the difficulty.

The first discordant note occurred when the British government protested against the attempt of the colonization society to collect customs duties to help pay its expenses and declared that it could not recognize any philanthropic society as possessed of sovereign rights. Eloquent appeals for Liberia were made by Secretary Webster and Secretary Upshur, but no settlement with Great Britain was effected until the colonization society severed its connection with the new republic, which then adopted a sort of constitution and declared its independence (1847). It was recog-

<sup>1</sup> Sixty-first Cong., 2d sess., Sen. Doc., 60, No. 457, 3.

nized at once by Great Britain (1848) and soon concluded treaties with France (1852), Belgium, and Denmark. Though the friendly interest of the United States never abated, no formal recognition was accorded until 1862, when Congress authorized the sending of ministers to Haiti and Liberia.<sup>2</sup>

Almost from the beginning the new state suffered from encroachments upon her territory by her powerful neighbors, Great Britain and France, who held bordering colonies. Great Britain sometimes manifested a friendly interest in Liberia, but never failed to take advantage of territorial disputes, while France was remorseless in her encroachments, keeping an eye open to the main chance in case of dismemberment. Germany had no territory there, but later gained the lion's share of Liberian trade. Because of the continued encroachments of France and the peaceful penetration of Germany Lord Pauncefote suggested (1897) to Secretary Sherman a joint declaration by the United States and Great Britain of their interest in the independence of Liberia. On previous occasions the United States had sometimes protested against encroachments, sometimes had advised yielding to superior force. In his reply to Lord Pauncefote Secretary Sherman declared the special interest of the United States in the independence of Liberia, but made no mention of a joint declaration. Nor did the special interest take any active form.

The aggressions continued and by 1908 Liberia had become so alarmed that she sent a commission to the United States to arouse her to the territorial and financial dangers besetting the little republic and we were asked to try to get Great Britain to join us in an

<sup>2</sup> *Ibid.*, 6-7.



"arrangement looking to the perpetuity of Liberia." It then appeared that English officers were administering the customs and one was serving as financial adviser. Also, the small police force, mainly for use on the border, was officered by Englishmen who took advantage of the opportunity to enlist so many natives of Sierra Leone, a British Colony, that it looked to the French as if police force was an army of occupation. Just when the pear seemed ripe for the plucking the British in Monrovia cabled that the lives and property of foreigners were in danger and asked for a gunboat, though there had been no disturbance. Only the prompt and judicious action of the President, who was aided by the American minister, prevented British occupation. When the United States intimated that she would like to take a hand she was told that there was hardly room for her in the customs service or the army, as France had already been asked to participate, but that no objection would be raised to her entering some other field, such as the judiciary, which was sadly in need of reform.<sup>3</sup>

At the suggestion of Secretary Root Congress now authorized the sending of a commission to Liberia to investigate conditions and Great Britain agreed not to press the boundary question pending negotiations by this commission. The cruiser *Birmingham* was also sent to help the government in settling some troubles with the aborigines.

After a month of investigation the commission turned in its report with six recommendations: That aid be extended in the settlement of the boundary dispute, the refunding of the debt, the reform of the internal finance, and in the organization and training

<sup>3</sup> Sen. Doc. 457, 18-9.

of an adequate constabulary or frontier police; that the United States establish and maintain a research station in Liberia to encourage the development and preservation of its resources and that it reopen the question of establishing a coaling station in Liberia. The commission felt that the financial troubles were the most pressing and they specifically advised a loan in which American, British, French, and German bankers should participate and the establishment of a receivership of the customs similar to that already established in Santo Domingo.<sup>4</sup> The British army officers had already been driven out by Liberia and the commission advised that Americans be sent over to train a frontier police.<sup>5</sup>

The recommendation with respect to the police was carried out by sending over four non-commissioned officers, one with the rank of major in the Liberian army on a salary of \$2500, one as captain on a salary of \$2000, and two as lieutenants at \$1600 each, very good berths for non-coms.<sup>6</sup> The loan of \$1,700,000 was soon arranged for with the bankers, but great difficulties developed in putting the receivership into operation. America was to furnish the receiver general and each of the other countries was to supply a receiver. At once a rivalry developed between France and Germany over the location and rights of their representatives which reminds one of a "me first" squabble among schoolchildren. Not getting what she wanted in position for her receiver France demanded compensation in territory. This the United States refused. While this squabble was going on the anti-

<sup>4</sup> Sen. Doc. 457, 31-7.

<sup>5</sup> For. Rel., 1910, 709.

<sup>6</sup> *Ibid.*, 1912, 663 ff.

foreign feeling expressed itself by casting stones which hurt a few Englishmen and Germans. Some Germans living in places where they had no legal right to reside suffered property losses and their government sent the ever ready *Panther* to demand damages in short order. Secretary Knox now intervened and asked Germany to hold up pending investigation. After a good deal of quibbling Germany finally agreed to leave the assessment of damages to a commission of three, one appointed by Liberia, one by Germany and one by the two. Germany refused to take an American for the third member, tried to get an Englishman, then an Irishman, and finally compromised on a Frenchman. Of course the commission disallowed many of the claims.<sup>7</sup>

The quartette receivership did not please the Liberians very well. In June, 1914, Liberia complained to President Wilson that Reed Paige Clark, of New Hampshire, the receiver general, was arrogating to himself undue powers and conducting himself like a petty tyrant.<sup>8</sup> Changes brought about by the outbreak of the Great War furnished a good occasion for the reorganization of the receivership and H. F. Whorley became receiver general. But the war practically destroyed the trade of Liberia, the greater part of which was in German hands, and there was not much for Mr. Whorley to receive. Liberia was sadly in need of food and the Allied and Associated Powers were sadly in need of palm oil for explosives, so Liberia declared war and expelled the Germans.

When Congress authorized Secretary Lansing to extend credits to the associated powers he included

<sup>7</sup> For. Rel., 1913, 663-79.

<sup>8</sup> "New International Year Book," 1914, 411; 1917, 408.

Liberia in the list for \$5,000,000 and asked France and England to step out. They did so, but when President Wilson gave Liberia the terms of the loan (September, 1918)—this paper seems to have been read at the hearings of the committee on ways and means, but not to have been printed in the record because "confidential"—the Liberian government is said to have complained of them as too severe, too autocratic.<sup>9</sup> No agreement was ever reached, but \$26,000 was turned over to Liberia to pay the expenses of her delegates to the peace conference.

The war credits closed with the end of the war, but Liberia was sadly in need of funds and continued to negotiate. President-elect C. D. B. King came in person to confer with President Wilson, but without result. Near the close of the Wilson administration Liberia was informed that a commission with full powers would be received. President King headed this delegation and, after several months of negotiation, signed an agreement with Secretary Hughes (October 28, 1921), who said that we were under a moral obligation to extend the credit.<sup>10</sup> The agreement specified in detail the use to be made of the loan, \$1,650,000 being set aside to take up the loan of 1912. It proposed to establish a financial receivership even more complete than that imposed on Haiti, which will be described later. The President of the United States was to appoint a financial commission, composed of a financial commissioner at a salary of \$15,000, a deputy financial commissioner at a salary of \$10,000, and an auditor, assistants, clerks, etc., at salaries ranging down to \$3,000. All of these were to serve during the pleas-

<sup>9</sup> *Cong. Rec.*, May 10, 1922, 7308, 7288. Nov. 25, 109.

<sup>10</sup> *Ibid.*, May 10, p. 7008, 7288.

ure of the President of the United States. They were not only to collect all the revenue and pay it out, but to have virtually mandatory power over the budget. The expenses for any one year might not exceed \$560,000 without the consent of the secretary of state of the United States. The salaries of the proposed financial commission amount to \$109,200 and of four officers of the frontier force to \$10,500, making a total of \$119,700 with no allowances for expenses, though the total income for 1921 was only about \$163,000. However, the major and the captain were not to be taken, as heretofore, from non-commissioned officers in the United States. The financial commission was to have first claim on the revenue. Liberia might not make any change in the revenue laws which the financial commissioner considered detrimental to the loan service, or grant any franchise or concession without his approval. The arrangement was to continue until the loan was fully paid, for which no date was set.<sup>11</sup>

As the war credits had ceased this agreement necessitated new authority from Congress. The proposal to grant the loan divided the committee on ways and means and precipitated a heated debate in the House. The division was along party lines, the Republicans favoring the loan, the Democrats opposing. The argument for the loan was based on the moral obligation to a helpless people in whom we were specially interested. The opposition, led by the minority of the ways and means committee, denounced the loan as contrary to precedent and to the Constitution. They also charged that the resolution to en-

<sup>11</sup> A large part of the document is printed in the *Nation*, 114:657-9. See also Sixty-seventh Cong., 3d sess., *Cong. Rec.*, 63, Nov. 24, 1922, 115 (daily edition).



dorse the loan was designed to aid a lot of international bankers (Kuhn, Loeb and Company, J. P. Morgan and Company, and the National City Bank) who had bought up over a million dollars of the bonds at 10 to 20 cents on the dollar and, now that interest was in default, wanted the government to help them recover the 80 cents profit. The estimate of the amounts held by the bankers ranged from \$10,000 by Congressman Mills to \$58,000 by Secretary Hughes and \$1,500,000 by Senator Borah. The bankers then wrote Senator Borah that they had less than \$5000 of the loan of 1912, for which they had paid 90 cents, and that they had had nothing to do with, no knowledge of, the inception of the proposed loan.<sup>12</sup> That the holders of the Liberian obligation would profit by the loan was evidenced by the sudden rise of these securities when the loan contract was signed by Secretary Hughes.

It was also charged in Congress that the loan would result in the exploitation of Liberia, a country of 40,000 square miles with 1,000,000 (some said 2,000,000) inhabitants, only 40,000 to 60,000 of whom were civilized, and rich in resources. Mr. Oldfield predicted that in a few years marines and naval vessels would be sent over to protect those who had gone over to exploit the country and that conditions would be similar to those in Haiti.<sup>13</sup>

The resolution to authorize the loan finally passed the House, but the vote is very significant, 148 yeas, 139 nays, 7 "present," 136 not voting. In the Senate Mr. Borah succeeded in tacking on a rider appropriat-

<sup>12</sup> *Cong. Rec.*, May 10, 1922, 7297, 7300, 7395, 7397; Sept. 11, 13408, 13607.

<sup>13</sup> *Ibid.*, May 10, 7396.

ing \$20,000,000 for reclamation work in the west, 26 to 23, 47 not voting, but no vote was taken on the resolution before the close of the session.<sup>14</sup> Early in the next session it was virtually killed by recommitment.

While the French government withdrew from participation in the receivership at the request of the United States, the increased influence of the latter country was not well received in some quarters. The *Dépêche Coloniale* denounced the loan treaty as a "veritable annexation of Liberia by the United States, as Liberia becomes purely and simply an African colony of the United States, and not merely an American protectorate." It is somewhat significant that the officials of the State Department took notice of this and denied that there would be any such extensive control as that predicted by the Paris paper.<sup>15</sup>

In Spain, it seems, there are some who regard the Liberian adventure even more seriously than does the *Dépêche Coloniale*. The editor of *A. B. C.*, the leading paper of Madrid, looks upon the proposed loan and the placing of American officers in charge of the customs and of the police as transforming Liberia into a colony, "which represents the beginning of American intervention in African affairs." If this should be followed up by the exploitation of Liberia through American negro labor, which is more efficient than the negro labor of the Spanish colonies of Fernando Poo and Guinea, it will mean the decline of these colonies. "A negro Monroe Doctrine," he continues, "will develop with 'Africa for Africans' as its slogan" and the result will be more costly wars for Spain.<sup>16</sup>

<sup>14</sup> *Ibid.*, 7307; Sept. 11, 13410; Sept. 14, 13606.

<sup>15</sup> *N.Y. Times*, March 6, 1922, 3:2; March 17, 14:8.

<sup>16</sup> T. S. Stewart's Madrid Letter in *Chicago Tribune*, Oct. 14, 1922.

Verily this is a new and unexpected development of the Monroe Doctrine.

## II. THE SAMOAN ENTANGLEMENT

The official acquaintance of the United States with the Samoan Islands was made in 1839 when Captain Charles Wilkes, of the navy, visited and explored the islands. He made an agreement with the chiefs in the interest of whalers and traders. In 1872, at the suggestion of "highly respectable commercial persons"<sup>17</sup> an agent with a German name, Steinberger, was sent to investigate. While there he negotiated a treaty by which the government of Samoa ceded to the United States a coaling station at Pago Pago in return for their friendship and protection. President Grant submitted this to the Senate, but that body paid no attention to it. Nothing daunted, President Grant sent Steinberger back to Samoa with a letter and some presents. Some time later the report reached the United States that he had set up a government and was administering it as a protectorate of the United States. The House of Representatives resolved that this was "adverse to the usual traditions of the Government," the secretary of state disavowed his act, and Steinberger left Samoa for Germany.

In 1877 a deputation of Samoan chiefs sought annexation to Great Britain, but, *mirabile dictu*, were unsuccessful. They then turned to the United States with no better results. But a treaty was concluded at Washington (1878) by which the United States was granted the right of establishing at Pago Pago a

<sup>17</sup> Quoted from Secretary Gresham with his inverted commas. For. Rel., 1894, 505 f.

station for coal and other naval supplies. There was no mention of a protectorate, though the United States did agree to use its good offices in case of trouble with another power. This treaty was ratified by the Senate. The following year Germany and Great Britain secured naval stations. In 1880 an informal consular agreement provided that the King of Samoa should accept three advisers, the United States, Great Britain and Germany.

In a short time commercial interests began to clash and the German adviser, acting on his own initiative, took possession of all the land in the municipality of Apia as security for an arrangement for the protection of German interests (1885). As a counter move the American consul raised the American flag and proclaimed a protectorate. This act was disavowed, but "good offices" came into play and a conference was held at Washington with the German and British ambassadors. Germany proposed the control of Samoan affairs by a single official appointed by the power having the greatest interest there, which meant Germany, and was supported in this by England. The United States proposed a commission. As they were unable to agree the conference adjourned for the delegates to consult their governments. The German government immediately demanded satisfaction of the Samoan chief, Malietoa, and threatened war on him "personally," if not given. The satisfaction not being forthcoming the king was dethroned and a puppet, Tamassase, set up with a German merchant for an adviser.

The natives tried their hand at deposing and set up a rival Mataafa, who was acknowledged by the Americans, whereupon the Germans pulled down the Amer-

ican flag. This naturally aroused great indignation in the United States, and Congress appropriated \$500,000 to protect American interests and President Cleveland sent more war vessels to Apia. Everything was now ready for a fight in the harbor, but nature intervened and a storm destroyed every ship there but one (March 16, 1889).

Secretary Bayard protested to Berlin against the German policy in Samoa, which evidently had in view only commercial advantages and political supremacy, and was in direct violation of the conference agreement. He also stated that the policy of the United States was not guided by any commercial motives but by the desire to safeguard the independence of the Samoans and promote their interests. Bismarck now suggested the reassembling of the conference and it met at Berlin. Secretary Blaine, who had succeeded Mr. Bayard, instructed our delegates that the Bayard plan of a joint protectorate was "not in harmony with our established policy," but the delegates could find no other feasible plan to prevent complete German domination and they accepted it.

The treaty drawn up at Berlin was a very remarkable one. The first article acknowledged the independence of Samoa, but the rest of the treaty was devoted to the destruction of that independence. The most remarkable provision was that for a supreme court with a chief justice named by the three powers "in accord," or, in case they failed to accord, by the King of Sweden, and appointed by the King of Samoa. This chief justice received a salary of \$6000, paid out of Samoan revenues, and whatever he advised Samoans and foreigners was the supreme law of the land. The treaty further provided a system of taxation, forbade the



importation of arms and ammunition except for sporting purposes or personal defense (for foreigners), and prohibited the sale or giving away of intoxicating liquors. (The natives were not yet far enough advanced in "civilization" for liquors.) And this very remarkable treaty of the three powers was ratified by the Senate without any reservations.

In due time the Samoan government ratified the treaty and the new government began to function. The chiefs chose a king and selected the very one Germany had driven out. The chief justice began to advise and issue writs, but the natives paid little attention to either. When warships were sent to enforce his orders war broke out. After this pretense of government had gone on several years the Hon. W. Q. Gresham, secretary of state, speaking of this "first departure from our traditional and well established policy of avoiding entangling alliances with foreign powers in relation to objects remote from this hemisphere" said:

Soberly surveying the history of our relations with Samoa, we well may inquire what we have gained by our departure from our established policy beyond the expenses, the responsibilities, and the entanglements that so far have been its only fruits.

Evidently the joint protectorate was a failure and President Cleveland twice asked Congress to take steps for its termination, but met with no response. The death of Malietoa in 1898 renewed the scramble for the kingship. The chief justice decided in favor of Malietoa Tams and the British and American consuls gave him their support, but the German consul supported a rival, Mataafa. Marines were landed to

restrain the natives and several American lives were lost.

The situation was intolerable. Germany now proposed a partition of the islands and this was carried out in 1899, the United States receiving Tutuila, with its splendid harbor, and Germany all the rest. For getting out of Samoa Great Britain was allowed compensation by Germany in Africa. This ended the most serious entanglement ever entered into by the United States up to that time.

### III. TAKING A HAND IN ASIA

That the policy of non-interference did not apply to Asia became evident about the middle of the nineteenth century, when we began to force treaties on China and Japan of such a character as to force them to change their policy of isolation. Soon this brought us into contact with, sometimes into conflict with, European policies. In 1864 we coöperated with France, Great Britain, and The Netherlands in chastising a feudatory prince of Japan for closing the strait of Shimonoseki and took our share of the indemnity, though this was returned in 1883. In 1898 we took the Philippines from Spain and thus became an Asiatic power. This last adventure undoubtedly added immensely to our influence in settling the Boxer troubles.

Far back in the nineteenth century the European powers, led by England, began to get footholds in China. After the war between China and Japan (1894) the former lay helpless and thereafter the powers hovered about, waiting for the opportunity to grab their shares of the wreck. In 1899 the United States acquired the Philippines. To acquire a "sphere of in-

fluence" in China was not only contrary to our policy: it was opposed to our sense of right and justice. Although Mr. John Hay, then secretary of state, said that we were not prepared to join China in repelling the demands of the Europeans by force, he did not consider that our hands were tied for future eventualities. For the present he thought our best policy was one of vigilant protection of our commercial interests without any formal alliances. With this end in view he addressed identic notes (September 6, 1899) to Berlin, London, and St. Petersburg demanding the open door policy in China.<sup>18</sup> Later similar demands were made of France, Italy, and Japan.

On its face this was a purely commercial question, yet it could not possibly be cleared of political aspects. The demand was disconcerting. It came from an "outsider," but from one whom the recent trend of events had taught the powers they could not ignore. England soon agreed, Russia delayed and evaded, but finally agreed, with many mental reservations. Then came the Boxer troubles.

The Dowager Empress, Tzu-hosi, who had seized the reins of power, denounced the various powers for "casting upon us looks of tigerlike voracity, hustling each other in their endeavors to be first to seize upon our innermost territories" and appealed to the people to "drive the foreign devils into the sea."

As a protest against the dismemberment of China a society called the Boxers had already been organized and had begun to mistreat and even kill foreigners. This society responded with alacrity to the appeal of the Dowager. June 20, 1900, Baron von Ketteler, the German minister, was killed and soon the legations

<sup>18</sup> For. Rel., 1899, 128.

were in a state of siege. The siege lasted several weeks and was finally raised by the associated armies of France, Germany, Great Britain, Japan, Russia, and the United States. At the suggestion of the United States joint occupation of Peking was continued pending a settlement.

The satisfaction exacted of China was heavy in the end, but it would have been far heavier, had it not been for John Hay. The powers presented a joint note based on principles laid down by Hay. They were: the preservation of Chinese territorial and administrative integrity, the protection of rights guaranteed by treaty and international law, and the open door. It had taken them months to come to this agreement and in the end Hay made it definitely known that the note was not to commit the United States to indefinite military occupation or to unlimited action in the protection of existing interests.

The demands presented to China called for severe punishment of the guilty, safeguards for the future, indemnities, and better foreign relations, both official and commercial, in the future. The indemnities were heavy, but America had made them lighter than the other powers wanted.

Concerning Hay's part in this matter his biographer, Thayer, says:

Hay's part in saving that empire alive was greater than that of any other statesman. He made a magnificent bluff—which the United States could not have backed up, if it had been called—and he won.<sup>19</sup>

Still further bluffing was necessary. In violation of the protocol Russia continued her troops in Manchuria.

<sup>19</sup> Thayer, "Life and Letters of John Hay," II, 247.

and made further demands on China. This led to the Anglo-Japanese alliance (1902) and to a formal protest from the United States. Hay's own negotiations with China were blocked at every turn until he discovered that the trouble was caused by Russia. In response to his demands Russia finally agreed to get out of Manchuria by October 8, 1903, but failed to do so. Japan then took the matter up and drove her out by force. But only protests of the powers, led by the United States, saved China from partial dismemberment as a result of this war. Nominally the treaty of Portsmouth left China entire and with the open door, but several protests were needed later to maintain this status. When the revolution came Secretary Knox led the way by a circular letter for a policy of non-intervention. However, before the close of the Taft administration the six-power loan, which the bankers of France, Great Britain, Germany, Japan, Russia, and the United States were to share equally and by which China was to be bound hand and foot, was approved. But when Mr. Wilson became President he recognized the Republic of China, on which the other powers were holding back pending the conclusion of the loan, and disapproved of the loan as inconsistent with Chinese independence. After that there was nothing for our bankers to do but to withdraw from the consortium.

Then came the Great War and the notorious twenty-one demands of Japan upon China. These were feebly protested and slightly modified, but in 1917, after we had entered the war, the ill-famed Lansing-Ishii agreement was made, by which we recognized "that Japan has special interest in China, particularly in the part to which her possessions are contiguous." True, this was accompanied by the pious declaration that "the



governments of the United States and Japan deny that they have any purpose to infringe the independence or territorial integrity of China" and that they would maintain the "open door," but later Japan found that this was capable of an interpretation different from that given it in this country. By it she had secured our recognition of her Asiatic Monroe Doctrine. How difficult it was to preserve the independence and territorial integrity of China was to be seen later, in the conferences at Paris and at Washington.

## CHAPTER IX

### NON-INTERFERENCE IN AMERICA BY EUROPEAN POWERS

With the movements of this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. . . . We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. . . . With the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, in any other manner than as the manifestation of an unfriendly disposition toward the United States. . . . It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness, nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference.—Monroe, 1823.

#### I. BY ARBITRATION

One would suppose that arbitration would be comparatively harmless. Our attitude in the matter seems

to have been determined mainly by our interests, not through fear for our peace and safety.

In 1881 Costa Rica and Colombia made a treaty agreeing to submit a boundary dispute to arbitration by the King of Belgium, or, if he refused, to the King of Spain or the President of Argentina. When Secretary Blaine heard of this he wrote that while the United States would express no dissatisfaction with the election of the King of Spain (the King of Belgium declined), he was of opinion that "under the guarantee treaty of 1846 the United States was entitled to an active interposition in the solution of any such question, should it deem its interests to require such interposition" and that the United States should have been consulted about the treaty. While he would not interfere to prevent the arbitration, he wished to serve notice that the United States would not be bound by the award where its rights and interests were concerned.<sup>1</sup>

Mr. Blaine's successor, Mr. Frelinghuysen, assumed the same general attitude, but decided that our interests were not involved in this particular case. However, he took advantage of the opportunity to express himself as unfriendly to European arbitration of American questions:

This Government cannot but feel that the decision of American questions pertains to America itself, and it would hesitate, even when consulted (*sic*) by the most friendly motives (such as naturally join it to that of Spain) to set on record an approval of a resort to European arbitration.

After the matter had dragged on for several years a supplementary article was added to the treaty of arbitration wherein it was agreed to respect the rights of

<sup>1</sup> Moore, "Digest of International Law," III, 29.

third parties, whatever the award. Thereupon Secretary Bayard withdrew Mr. Blaine's notice that we would not be bound by the award. In doing so he declared that this was in line with our policy to promote the peaceful settlement of differences by arbitration and gave no hint of any objection to a European arbitrator.

In 1885 a serious difficulty arose between Colombia and Italy. In this case the United States took the initiative in bringing about a settlement by European mediation. In 1898 no objection whatever was raised to arbitration of a boundary dispute between Argentina and Chile by the Queen of England.

In the preceding chapter we saw that the United States ratified the action of The Hague Conferences with the reservation that such action was not to "be construed to imply a relinquishment, by the United States of America, of its traditional attitude toward purely American questions." As we can hardly assume that there was a mental reservation that objection would always be raised to European participation in the arbitration of American questions we may assume that this was a final abandonment of the idea that such participation in the arbitration of American questions was in any sense intervention in American affairs.

This conclusion is sustained by the subsequent history of the cases brought before the tribunal. The very first case was an old dispute between the United States and Mexico and all of the arbitrators were Europeans. The United States has been a party to two other cases submitted to The Hague Tribunal. In the first case, that of the North Atlantic Fisheries, the board of arbitrators was composed one-half of Euro-

peans and one-half of Americans; in the second, that of the Orinoco Steamship Company (Venezuela), two were Europeans, one American (Cuban). Under the influence of the United States, Germany, Great Britain and Italy agreed to submit to arbitration the question of preferential claims which they were seeking to collect out of Venezuela by a "pacific blockade." On the invitation of these powers Belgium, France, Mexico, the Netherlands, Spain, Sweden, and Norway, and the United States submitted their claims along with the others. The arbitrators were selected by the Tsar of Russia, all of them being Europeans. The dispute between Italy and Peru over the payment of claims was settled by three arbitrators selected from The Hague Tribunal, two of whom were Europeans.

Shortly after the League of Nations was organized Peru sought to have the council take up her old dispute with Chile over Tacna-Arica but failed to get a hearing. In 1921 Bolivia sought to bring the same question to the attention of the League, but Chile objected to its consideration on the ground that it would be a violation of the Monroe Doctrine and threatened to withdraw, if it was considered. Bolivia said she already had the consent of the United States, but the Assembly shelved the matter by referring it to a technical commission. This suggestion was repeated even after the signing of the protocol at Washington (July 21, 1922) for the settlement of this trouble.

## II. BY JOINT ACTION

Our attitude toward intervention by joint action, whether including the United States or not, has not been altogether consistent, but for the most part has



been in opposition. When Monroe heard (1818) that the allies were contemplating offering to mediate between Spain and her revolting colonies, without any appeal to force, he raised no objection. The same year a proposal was made to Great Britain for a concerted recognition of the independence of Buenos Aires. In 1820 Great Britain proposed a joint agreement binding herself, France, and the United States in which all should agree not to occupy Cuba. President Adams thought this unnecessary as between Great Britain and ourselves, but was willing to enter the agreement in order to bind France. But France declined. In 1850 upon the request of Santo Domingo, Secretary Clayton and the British and French ministers tentatively agreed on a plan of coöperation to end the war between Haiti and Santo Domingo. Clayton was soon succeeded by Webster, who, as secretary of state under Fillmore, pursued the same policy and the United States fleet was ordered to coöperate with those of France and Great Britain in measures short of actual coercion. The intervention was successful. After the ten years' war in Cuba had been going on five years, Secretary Fish proposed (1875) joint intervention by the United States and the leading European powers for the restoration of peace. Germany, Italy, and Russia assented, but Austria, France, and England hesitated. However, the threat served as a warning to Spain and she promised reforms and the island was ultimately pacified for a time. But Fish's proposal was a rather remarkable departure from the Monroe Doctrine. Less remarkable was the request of the United States (1885) that France and England join her in urging Colombia and Italy to submit their dispute to arbitration by the King of Spain.

On the other hand joint or even concerted action has been very decidedly refused several times and protests have been lodged against European intervention.

In 1844 France was warned by Secretary Calhoun not to join Great Britain in protesting against the annexation of Texas. Also, France and Great Britain were informed that we would sign no joint agreement guaranteeing the independence of Texas.<sup>2</sup>

In 1845 France and Great Britain jointly blockaded Buenos Aires, the action being taken mainly for commercial reasons, to secure an outlet for Paraguay. However, this was of political significance, as Buenos Aires refused to recognize Paraguay, and in the course of the blockade the British officials tried to incite rebellion in Buenos Aires against the tyrannical government. The blockade lasted for two years and the United States made no protest. At that time she was busy with Texas and Mexico.

The European powers appear to have become alarmed over the rapid expansion of the United States, especially when this was followed up by filibustering activity in Cuba, the key to the Gulf of Mexico. In 1852 Great Britain approached the United States on the subject of a joint guarantee of the sovereignty of Cuba to Spain, but both Secretary Webster and his successor, Mr. Everett, opposed. The former objected to alliances. Mr. Everett gave four fundamental reasons why President Fillmore objected. He did not believe the Senate would agree to it. The convention would be of no value unless it were lasting and he doubted the constitutional right of the treaty making power to impose a perpetual disability on our government. He then referred to Washington's warning

<sup>2</sup> Moore, VI, 530; Camb. Hist. Brit. For. Pol., II, index.

against permanent alliances and Jefferson's against entangling alliances. The island was far away from France and England, but near to us and of great strategic importance and we might some day want to annex it.<sup>3</sup>

In 1860 England asked the United States to join her and France in identic notes to the Juarez and Miramom governments in Mexico urging that a national assembly be called to settle their difficulties. In reply President Buchanan directed the secretary of state to say that the policy of the United States was "opposed to any interference, especially joint interference, of other powers in the domestic affairs of an independent nation." In addition, he had already recognized the Juarez government and was unwilling to do anything to discredit it.

We have seen that Secretary Fish (Grant was President) asked for joint intervention in Cuba in 1875. Four years earlier he had declined a suggestion coming from Germany for joint action with Germany, England, Spain, Italy, and Denmark to urge upon Venezuela a more orderly government and a better observance of her engagements. However, he offered no objection to separate action, or even to war by any European power, if it had just cause.

When Secretary Evarts thought (1880) it likely that France, Germany, and England might interpose to settle the difficulty between Chile on the one hand and Bolivia and Peru on the other he did not protest, but instructed our ministers to maintain an attitude which would facilitate a joint resort to the good offices of the United States. The next year Secretary Blaine thought it "inexpedient" for the United States to join

<sup>3</sup> Moore, VI, 460 ff.

France and England to stop the war between Chile and Peru. When our minister at Lima joined (1883) the ministers of France, England, and Italy in urging their governments to unite in interference in South America his action was disapproved by Secretary Frelinghuysen, though the only reason given was that the action was taken without authority and without previous communication with the Department of State. When a somewhat similar situation arose in Venezuela Secretary Bayard stated that our policy was "distinctly opposed to *joint* action" in the presentation of claims, though we were willing to derive such advantage as might come from "coincident or even identical representation." His objection to joint action does not seem to have rested on the bringing of European powers into American affairs, but to "the ultimate embarrassments which *united* action may be liable."

After 1895, when Secretary Olney proclaimed his famous doctrine—"Today the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition"—it must have taken a bold foreign representative to propose (1903) a joint fiscal control of Santo Domingo. The United States declined, taking charge of the finances itself, and foreign powers quietly acquiesced.

Yet as late as a few months before the outbreak of the Great War Europeans do not seem to have abandoned the idea that they might share with the United States in settling some American questions, for Sir Edward Grey asked Ambassador Page if President Wilson would not consult the European powers in regard to a successor to Huerta.<sup>4</sup> About the same time France and Germany were asking for participation in

<sup>4</sup> Mr. Page to President Wilson, *World's Work*, 43:454.

the control of Haitian customs, a request repeated by France after the war broke out.

### III. BY SUGGESTIONS, PRESSURE, OR INFLUENCE

Another way of exercising influence in America was by way of conditions, suggestions, and pressure.

Within six months after President Monroe gave his doctrine to the world a sort of test case was presented in which his stand was by no means bold. The Colombian minister at Washington reported that his government had authentic information to the effect that France would offer to recognize independence on condition that a monarchy was established. In case Colombia refused, the minister asked to what extent she could count on aid from the United States. President Monroe replied that the executive had "no right to compromit the nation in any question of war," nor does it seem that so much as a note of inquiry was ever sent to France to ascertain her intentions.

Another example of an attempt to exert influence by suggestion and by the offer of advantages occurred in Texas while it was independent. England had her own particular reasons for wanting Texas to remain independent. Believing that this would be to her advantage in trade, especially in cotton, she did about everything that she could to prevent the merger. An offer to guarantee independence was made, if Texas would abolish slavery and the British minister is said to have intimated that England would pay for the slaves. When John C. Calhoun, then secretary of state, heard of this (1844) he lodged the following protest:



So long as Great Britain confines her policy to the abolition of slavery in her own possessions and colonies, no other country has a right to complain. . . . But when she goes beyond, and avows it as her settled policy, and the object of her constant exertions, to abolish it throughout the world, she makes it the duty of all other countries, whose safety or prosperity may be endangered by her policy, to adopt such measures as they may deem necessary for their protection.<sup>5</sup>

Neither did France care to see Texas annexed to the United States. Indeed there was some alarm in Europe at the rapid growth of the United States, and there seems to have been some talk of joint action to prevent the merger as a means of checking this growth. The idea was to establish a balance of power in America. President Polk referred to this in his annual message (December 2, 1845) and served notice that a "balance of power" could not be permitted "to have any application to the North American continent, and especially to the United States." He went on to say that the people of this continent had a right to decide their own destiny and that if any independent state wanted to unite with the United States, that was a question to be settled by the parties concerned without any foreign intervention. Any attempt at European intervention would be resisted "at all hazards."<sup>6</sup>

One of the most fruitful causes of pressure is concessions, but such pressure has been exerted mainly by the United States and will be dealt with in another chapter.

In 1846 Señor Bustamante, minister of foreign affairs of Ecuador, notified the State Department at Washington that General Flores, an exiled President of

<sup>5</sup> Twenty-eighth Cong., 1st sess., H. Ex. Doc., 271, 50.

<sup>6</sup> Richardson, "Messages and Papers," IV, 398.

Ecuador, was fitting out an expedition in Europe for the purpose of recovering his power and that some of the monarchical governments seemed to be conniving at the project. Concerning the expedition he also reported a general fear among the neighboring republics that the "ulterior were more extensive and important than its ostensible designs." About the same time that this note was received came news of the failure of the expedition. In consequence of this no formal reply to the note was deemed necessary, but President Polk, through Secretary Buchanan, assured Peru that "the intervention or dictation, direct or indirect, of European governments in the affairs of the independent states of the American hemisphere "would never be viewed with indifference by the Government of the United States."

Several years later, when Colombia was trying to effect a reunion with Ecuador, she received from the French minister a note which appeared to be a conditional threat of French interference. This being made known to the United States, Secretary Seward asked France for an explanation and promptly received a disclaimer of any such intentions.

Before the Great War Bolivia had employed German officers in her army. After the war steps were taken to renew the arrangement, whereupon the council of ambassadors at Paris notified her that, under no circumstances, could the allied powers tolerate the reconstruction of the so-called pre-war military council, largely composed of German officers. In justification they reminded Bolivia that, as one of the signatories to the Treaty of Versailles, she, with all other signatories, was prohibited from doing this.<sup>7</sup> No at-

<sup>7</sup> N.Y. Times, Aug. 3, 1922, 17:4.

tention seems to have been paid to this notice by the State Department at Washington.

#### IV. BY EXTENDING THEIR POLITICAL SYSTEMS

The most remarkable case of the violation of the Monroe Doctrine, one that at first looked as if it might violate the non-colonization principle, but ultimately settled down to extension of the European political system, reached its climax while the American Civil War was in progress. It began before our war started with the announced purpose of collecting claims and a promise was given that no territory would be acquired. After our war had been in progress some time the scheme of extending the European political system was matured and carried out. We have already seen that Spain attempted violation of the non-colonization principle for a period coinciding with our Civil War. Both were abandoned when the Union emerged from the war triumphant. The coincident is not without significance.

In the latter part of 1858 Spain notified the United States that she intended sending an expedition to Mexico to protect the persons and property of Spanish subjects and to compel the Mexican government to do justice for past injuries. The following spring Great Britain served a somewhat similar notice. In July, 1860, she invited the United States to join her and Spain and France in sending identic notes to the Miramom and Juarez governments advising the calling of a national assembly, an invitation which was declined, as already stated above. Later the French government sent a similar note, saying that she had no intention of resorting to force, unless the rights of French citizens were violated.

Secretary Cass acknowledged the receipt of these notes and expressed the general attitude of the United States as follows:

While we do not deny the right of any other power to carry on hostile operations against Mexico, for the redress of its grievances, we firmly object to its holding possession of any part of that country, or endeavoring by force to control its political destiny.<sup>8</sup>

The Spanish grievance rested upon the repudiation by the Juarez government of claims of various kinds which the Miramom government had recognized. Also, the Spanish minister had been summarily dismissed by the Juarez government. The British grievance was founded on a claim for bonded debts, damages for the murder of a British subject, and violation of the British legation from which 150,000 pounds in bonds belonging to British subjects had been stolen. The Miramom government had sold to one Jecker, a Swiss banker, \$15,000,000 worth of bonds for which it realized \$750,000. These bonds had fallen into the hands of French citizens, through the connivance of the French Emperor, it was believed, who was seeking a cause of intervention. Juarez offered to pay the \$750,000, but not the entire sum. In July, 1861, the mercenary Congress, being hard pressed for funds, suspended payments on the foreign debt for two years.<sup>9</sup>

October 31, 1861, when our Civil War was well under way, the three powers agreed to send a joint military and naval force to bring Mexico to terms. In the second article of this convention the allies expressly declared that it was not their intention "to exercise

<sup>8</sup> Moore, VI, 481.

<sup>9</sup> Bancroft's "Life of Seward," II, ch. XLI, gives a good account of the French Adventure in Mexico.

in the internal affairs of Mexico any influence of a nature to prejudice the right of the Mexican nation to choose and to constitute freely the form of Government." The fourth article provided that, as the United States also had claims against Mexico, it should be invited to sign the convention. However, as delay might cause failure in carrying out the purpose of the convention, they would not wait for the signature of the United States beyond the assembling of their forces at Vera Cruz.

In 1860 McLane, our minister to Mexico, had suggested that the United States satisfy the money claims of the allies. An agent was now sent to Mexico to negotiate a treaty guaranteeing interest on the loans. Instead of doing this he made a treaty providing for a loan of \$9,000,000. This was submitted to the Senate by President Lincoln, but it failed of ratification. However, the Mexican government managed to satisfy the claims of the British and the Spanish and they, by this time suspicious of Napoleon III's sincerity, withdrew.

The French now demanded \$27,000,000 and soon advanced on the City of Mexico, capturing it in June, 1863, and setting up a provisional government. An assembly of notables, that is, French tools, was called and they voted for an empire and elected Maximilian, brother of the Emperor of Austria, and nominee of Napoleon, as emperor. He arrived in April, 1864, and made a treaty with Napoleon in which he agreed to pay the French claims and the cost of the French expedition, past and future, and Napoleon was to sustain his throne.

Napoleon now stated to one of his generals that his purpose was:



To establish bounds to the extension of the United States towards the South, and to prevent her from controlling the commerce of the Gulf of Mexico.

While these events were taking place our country was too much absorbed in the civil contest for vigorous action in Mexico. At first Secretary Seward could only "deplore" and "regret" the happenings. After the battle of Gettysburg and the fall of Vicksburg he began to ask for explanations. The first reply was that an early recognition of the proposed empire would "tend to shorten, or perhaps to end, all the troublesome complications of France in that quarter, so that the French might leave Mexico." April 4, 1864, Congress paused long enough in the struggle with domestic troubles to resolve that—

The Congress of the United States are unwilling by silence to have the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico, and that they think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical government erected on the ruins of any republican government in America under the auspices of any European power.<sup>10</sup>

It was now the French minister's turn to ask for explanations. Seward now said that this was a joint resolution and was not binding unless passed by both houses, that it had not been suggested by the executive department, and that France would be "seasonably apprised of any change of policy upon this subject which the President might at any future time think proper to adopt." Writing to Mr. Motley, our minister to England, he said that even those who thought intervention in Mexico to prevent the estab-

<sup>10</sup> Moore, VI, 496.

lishment of a monarchy would be just and wise in itself, thought that such a proceeding would be unwise now, in the absence of any direct wrong to the United States.

The Civil War being ended our government began to concentrate troops on the Rio Grande and sent General Schofield to Paris. This gentleman held several interviews with Prince Napoleon and officers of high rank and gave them in plain terms the attitude of the United States. He found that French intervention in Mexico was unpopular there, but that national pride interfered with withdrawing under menace. Seward now began to use more positive language. Addressing our minister in Paris, he regards the presence of a French army in Mexico, where it was maintaining an authority resting upon force and not on the free will of the people, as a cause "of serious concern to the people of the United States." He then makes his objection broader, including the authority the French army was maintaining, an authority "in direct antagonism to the policy of this Government and the principles upon which it is founded," and declares the attempt to establish and maintain an imperial government in Mexico "disallowable and impracticable."

Three weeks later the French minister, l'Hays, presented to Seward a letter from the French foreign office of an earlier date than Seward's letter. This asked for an assurance that it was not our intention to "impede the consolidation of the new order of things founded in Mexico" and intimated that the recognition of Maximilian would be the best guarantee. We held official intercourse with all the monarchs of Europe and the New World and should not hold back in this case on account of "difference in institutions."

Of course this had no effect upon Seward. Although the leading powers of Europe recognized Maximilian, the United States never did. In reply to l'Hays, Seward assured him that our objection was not to the presence of a foreign army, much less to that of a French army, in Mexico, but to the attempt of that army to establish on the ruins of a republic a "foreign monarchical government, whose presence there, so long as it should endure, could not but be regarded by the people of the United States as injurious and menacing to their own chosen and endeared republican institutions."

By this time Maximilian had begun to feel the insecurity of French support and he obtained permission of his brother to recruit forces in Austria. When Seward heard of this he informed the Austrian government that if this was allowed to go on, he would consider it an act of war by Austria against the republic of Mexico and that we could not engage to remain as silent or neutral spectators. The troops were not allowed to depart.

As time passed Seward became more and more insistent that a date should be set for the withdrawal of the French troops. When l'Hays expressed a fear that the United States would then intervene, Seward assured him that the fear was groundless, for non-intervention was "the chief element of the foreign policy of the United States."

Soon after the Civil War closed Napoleon saw the inevitable and tried to save "national honor" by negotiating in person a secret treaty with the United States by which it was to appear that he was withdrawing of his own volition. This failed and at last he announced that the withdrawal would be made on the installment

plan, beginning in November, 1866, and ending in November, 1867. When this time came he announced that the first withdrawal would take place next March. To this Seward would not agree. He then proposed a provisional government to take the place of both the government of Maximilian and that of Juarez. To this Seward would not agree and Napoleon gave up. In February his army was withdrawn from the city of Mexico and in June Maximilian was tried by court-martial by the Juarez government and shot in spite of Seward's efforts to save his life.

Thus ended the only serious effort ever made, aside from colonization, or holding as a colony, to extend the political system of Europe to America in violation of the Monroe Doctrine. One of the strangest things connected with the incident is the absence of any appeal to the Monroe Doctrine. Even Mr. Cass, in the earlier stages of the controversy, does not seem to have appealed to the Monroe Doctrine by name, though he used language which indicates that he must have had it in mind. Seward was restrained by policy. The Monroe Doctrine was not popular in Europe. Seward was trying to maintain friendly relations with European states so as to prevent recognition of the Confederacy. One of his colleagues in the cabinet, Salmon P. Chase, wrote to a friend that it would have suited his temper and taste to appeal directly to the Monroe Doctrine. "And yet," said he, "I cannot blame Mr. Seward for not having done so. He never renounced it; he only forbore to insist on it, when to insist would only have been counted a menace and would have precipitated recognition of the rebel Confederacy—and that recognition would have been followed by war."

While Napoleon was withdrawing his forces from Mexico the British Parliament was discussing the Canadian Government Act which led to the union of the Canadian provinces. Now this was a period of Fenian activity and of annexation talk. The legislature of Maine declared that it would do nothing to accelerate the development of political opinion throughout British North America and that it discarded all thought of annexation, awaiting the "matured wishes of our neighbors," but it resolved that any attempt on the part of Great Britain to establish a monarchical government in North America, or to place a vice-royalty over her North American provinces, would be an "implied infraction of those principles of government which this nation has assumed to maintain upon this continent" and asked the United States to remonstrate with Great Britain against any such procedure.

These resolutions were laid before the House of Representatives and Mr. N. P. Banks secured the adoption of a motion requesting the speaker to appoint the committee on foreign affairs at once so that it might consider the matter (March 8, 1867). The next day Senator Cameron introduced a resolution directing the committee on foreign relations to inquire into the matter and report what action, if any, our government should take to avert the threatening evil and preserve "for ourselves and our posterity the fundamental principles of our country and the traditional policy of the fathers and founders of the Republic."<sup>11</sup> The House passed a resolution fathered by Banks, but the Senate took no action.<sup>12</sup>

<sup>11</sup> Fortieth Cong., 1st sess., *Cong. Globe*, pp. 37-8, 48.

<sup>12</sup> House Journal, March 27, and Nov. 25, 1867.



## CHAPTER X

### THE RELATION OF EUROPEAN CLAIMS TO THE MONROE DOCTRINE

We hold that our interests in this hemisphere are greater than those of any European power possibly can be, and that our duty to ourselves and to the weaker republics who are our neighbors requires us to see that none of the great military powers from across the seas shall encroach upon the territory of the American republics or acquire control thereover.—President Roosevelt, 1903.

The struggle for independence in the Latin American countries was long drawn out, in several cases longer and more destructive of social institutions than the Revolutionary War in the United States. Never able to control their ports and coast lines, the struggle on sea became almost piratical in nature; on land it often became partisan or even guerilla warfare. The Spanish colonial system, which would not allow one born in America to hold office, had deprived them not only of any experience in self-government, but also of experience in administration. The lack of schools left the natives in a low state of education, the majority without any whatever. The population was mixed, ranging all the way from highly civilized to savage, with the latter in the majority in many cases.

In government the revolting states ranged all the way from anarchy to dictatorships. Practically all of the states except Brazil and Chile went through this range of experience. Buenos Aires, later known as

Argentina, came out of it at a comparatively early period. Some have not yet emerged, though in most of them revolutions are less common now than formerly.

Such conditions naturally cause trouble with foreign nations. In the course of such wars foreigners suffer in property and in person and appeal to their home governments for redress. One government may borrow money only to have its engagements repudiated by a revolutionary successor or may even repudiate them itself. And so innumerable claims, both American and European, have piled up, some of them genuine, many of them fraudulent.

Claims against the Latin-American countries began with the dawn of independence. According to Dr. Seijas, "These republics had hardly secured their liberation from the mother country, indeed the war of independence was not yet ended, when claims of foreigners who had come to the new states to engage in commerce or establish themselves and reside in American territory were availed of as a source of speculation against the infant republics." The claimants, he says, sought and obtained "persistent and unjustifiable support of diplomatic action."<sup>1</sup>

American claims began early. After having presented such claims to Mexico for several years President Jackson finally asked of Congress authority to demand payment from the deck of a warship. Fortunately the request was not granted at that time, but unpaid claims were given as one of the reasons for war in 1846.

The French and English also began early with their

<sup>1</sup>Quoted in Rafael Mantufar's "Interpretations of the Monroe Doctrine," translated by A. C. Gahan, 1912.

claims. As a price for the recognition of the independence of Haiti France saddled upon her an enormous debt in compensation for the losses of the planters in the slave insurrection and war of independence. In 1848 England blockaded Ponsonate and compelled Salvador to pay her share of the loan contracted in England by the Central American Republic and threats of similar action were made against Nicaragua.<sup>2</sup> Shortly after this Guatemala secured a loan from England by hypothecating her revenues as security. Against these measures no separate protest seems to have been made, though we were then protesting against British aggression in Central America on other grounds.

We have already seen that as early as 1858 Spain sent a naval force to Mexico to protect persons and property and to collect for injuries already inflicted. The next year a British fleet was sent to Vera Cruz to force payment of outstanding claims. An account of the joint expedition of Great Britain, France and Spain in 1861 to collect claims has already been given.

The necessity of some sort of intervention to secure the settlement of claims seems not to have been questioned by Secretary Cass. In regard to the proposed British expedition against Vera Cruz he said (1859) that we assumed "no right to sit in judgment upon the causes of complaint which Great Britain may prefer against Mexico, nor upon the measures which may be adopted to obtain satisfaction." More than a year later he said to the French chargé d'affaires "that the United States did not call in question the right of France to compel the Government of Mexico by force if necessary, to do it justice." In the former case he pleaded with Great Britain to wait, for the

<sup>2</sup> H. Ex. Doc., Thirty-first Cong., 1st sess., No. 757, 137, 153.

sake of the Juarez government, which we had recognized, for a more propitious time. To France and Spain he simply gave a warning against the permanent occupation of any territory. The secretary of state is supposed to reflect the views of the President, yet in his annual message (1859) coming in between Cass' notes we find President Buchanan taking more advanced ground, a position foreshadowing the policy adopted in the twentieth century. After a long recital of the wretched condition of affairs in Mexico he asked of Congress authority to go in with an army. Said he:

Without support from some quarter it is impossible to perceive how Mexico can resume her position among nations and enter upon a career which promises any good results. The aid which she requires, and which the interests of all commercial countries require that she should have, it belongs to this Government to render, not only by virtue of our neighborhood to Mexico, along whose territory we have a continuous frontier of nearly a thousand miles, but by virtue also of our established policy, which is inconsistent with the intervention of any European power in the domestic concerns of that Republic.<sup>3</sup>

But our country was not then ready to assume that rôle. Seven years later Secretary Seward was to intimate that our neighbors might engage in as many wars as they wished "independent of all control or counsel of the United States." It is true that this was written primarily in consideration of the possibility of our taking part in their wars, yet some of their wars with European powers arose out of unsettled claims and in this same letter he says that the United States has "no ambition to become a regulator." From this

<sup>3</sup>Richardson, "Messages and Papers," VI, 567.

it is only fair to assume that he would have taken no interest in the collection of claims, unless there was danger of territorial aggrandizement or political interference. The farthest that he ever went in a case involving this question at all was in an earlier note regarding the pledging of the Cuban revenues by Spain to secure a loan. In this he merely hoped that Spain would notify the United States before doing so and asked for no reply. Four years later Secretary Fish was a little more pointed though not at all aggressive, saying that the United States could not look with favor upon the pledging of the Cuban revenues in such a way as to "give any foreign government a right to interpose in the affairs of Cuba."<sup>4</sup> But, as already stated above, this protest was unavailing, for the revenues were pledged and no further protests were made.

The next case brought a distinct change in the American policy in regard to the forcible collection of claims. In 1881 the Venezuelan minister represented to the United States that France was about to blockade her ports and seize the customs houses to secure payment of certain claims which Venezuela had agreed in 1864 to pay, but had failed to pay some of the installments promptly. Other creditors were also pressing Venezuela, but France claimed the right of priority in payment. The Venezuelan minister now proposed that his government should deliver certain sums monthly to the United States, which should distribute the money among the foreign creditors. Secretary Evarts indicated that the proposition would be favorably received, if acceptable to all the creditor governments. But France declined to waive her priority of claim.

<sup>4</sup> Moore, VI, 456-7.



Soon after this it was reported that France would seize not only the customs houses, but also a portion of territory. Secretary Blaine, successor to Mr. Evarts, now proposed that the United States should send an agent to Caracas with authority to receive monthly allowances from Venezuela and to distribute the same pro rata among the creditor nations. Should Venezuela default in payments for more than three months, then the agent acting as trustee for the creditor nations was to take charge of two customs houses and pay out of the proceeds the stipulated sums plus ten per cent to the creditors, turning the rest over to Venezuela. When France again refused to surrender her priority of claims Secretary Blaine made to her an appeal of sentiment.

Beyond and above the pecuniary interest involved, either for France or the United States in the matter of the Venezuela claims, there lies a consideration which appeals with equal force to the two leading republics—France and the United States. That consideration is, the fraternity of feeling and the harmony of relations which should be maintained between all the republics of the world. It would, in the opinion of this Government, be a deplorable spectacle to see hostilities against Venezuela initiated by the great European Republic, and it would be an evil to France, for which her share in the Venezuelan debt would afford no compensation whatever.<sup>5</sup>

The McKinley administration marked a complete return to the Seward policy. In 1897 the German government sent two war vessels to Haiti to secure redress for a denial of justice to one of her subjects. The money indemnity was considerable, \$30,000 for the fine and imprisonment for one year of a subject because of his part in a quarrel in a matter involving

<sup>5</sup> For. Rel., 1881, 1226.

twenty-five cents. Haiti was forced to pay and apologize. Having learned this "severe lesson" Haiti sounded the United States for a new treaty, taking her under its protection. But Secretary Sherman was of the opinion that

this government is not under any obligation to become involved in the constantly recurring quarrels of the republics of this hemisphere with other states. The Monroe doctrine, to which you refer, is wholly inapplicable to the case, and the relations and interests of this Government with its neighbors are not benefited by erroneous conceptions of the scope of the policy announced by President Monroe and since strictly followed. . . . Moreover, protectorates over our neighbors have never been advocated in our foreign policy, being contrary to the principles upon which this Government is founded. A protectorate, however qualified, assumes a greater or less degree of responsibility on the part of the protector for the acts of the protected state, without the ability to shape or control these acts, unless the relation created be virtually that of colonial dependency, with paramount intervention of the protector in the domestic concerns of the protected community. . . . You certainly should not proceed on the hypothesis that it is the duty of the United States to protect its American neighbors from the responsibilities which attend the exercise of independent sovereignty.<sup>6</sup>

One can only wonder if Secretary Sherman had been influenced by the views of Lord Salisbury, who just two years before had said that President Monroe never meant to assert a protectorate over Latin America, for "such a claim would have imposed upon the United States the duty of answering for the conduct of these states, and consequently the responsibility of controlling it."

<sup>6</sup> Moore, VI, 475-6.

But this was the end of the hands-off policy. After the self-denying war for the independence of Cuba the United States took charge of the island and governed it until the Cubans could frame a government of their own and put it into operation. Nominally the island was given its independence, but in reality it was made a dependency. The movement for this change from the hands-off policy came, not from the McKinley administration, but from Congress through the so-called Platt amendment, which required the Cubans to add certain amendments to their constitution. Very unwillingly the Cubans did this (1901). The substance of the amendment was: That Cuba would never make any agreement with any foreign power which would impair its independence, or allow any foreign power to secure a lodgment on any part of the island for colonization or for military or naval purposes. That it would never contract any public debt which could not be taken care of through the ordinary revenues. That the United States should have the right to intervene for the preservation of Cuban independence and for the maintenance of a government adequate for the protection of life, property, and individual liberty. To this end Cuba should sell or lease to the United States the land necessary for coaling or naval stations.

This was nothing less than the acceptance of the Salisbury doctrine of responsibility, which Secretary Sherman had sought to evade. Whether President Monroe ever meant to assert a protectorate over our neighbors or not, the United States had now asserted and maintained the right of controlling their conduct as the best means of enabling it to answer for their conduct. Henceforth it was to exercise police power among them. Shortly after the Platt amendment was forced

on Cuba President Roosevelt, who had succeeded McKinley (September, 1901), expressed this idea in unmistakable language.

If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power.<sup>7</sup>

Since then this policy has been developed extensively.

But we had not yet assumed the power of regulation in Venezuela. In December, 1901, the German ambassador served notice that his government intended to collect by force—blockading the harbors and, if necessary, collecting duties—from Venezuela certain claims of German subjects. First of all Germany wished to apprise the United States of its purposes and to assure us that under no circumstances did it intend to acquire or permanently occupy any Venezuelan territory. President Roosevelt must have known what was coming, for in his annual message, delivered a few days before, he had said that under the Monroe Doctrine we did “not guarantee any state against punishment if it misconducts itself, provided that punishment does not take the form of the acquisition of territory by any non-American power.”

Nearly a year passed before Germany presented her

<sup>7</sup>“Messages and Papers” (Bureau of Nat. Lit. Edit.), XV, 6923.

ultimatum to Venezuela. In the meantime she persuaded Great Britain, who was getting a little restless in her "splendid isolation," to make common cause with her on the matter of claims. Italy also joined them and announcement was made that they would be collected by force, if not settled otherwise. The Monroe Doctrine was to be put to the test.

Before this Calvo, a distinguished Argentine authority on international law, had laid down the following principles:

It is certain that foreigners who establish themselves in a country have the same protection as nationals, but they can not lay claim to a protection more extended. If they suffer any wrong they ought to expect the government of the country to pursue the delinquents, but they should not claim from the state to which the authors of the violence belong any indemnity whatever.

1. The principle of indemnity and diplomatic intervention in behalf of foreigners for injuries suffered in cases of civil war has not been admitted by any nation of Europe and America.

2. The governments of powerful nations which exercise or impose this pretended right against states, relatively weak, commit an abuse of power and force which nothing can justify and which is as contrary to their own legislation as to international practice and political expediency.<sup>8</sup>

Venezuela now sought to put this doctrine into practice and established a Venezuelan commission to pass on the claims and decreed that all diplomatic protests against its decisions should be excluded, appeal lying only to the supreme court. Also, it proposed to pay the claims allowed in newly issued bonds, which the claimants regarded as worthless.

The powers presented their ultimatum to Venezuela

<sup>8</sup> Quoted in Hart, "The Monroe Doctrine," 263.



in December, 1902, and on her failure to pay, began a "pacific blockade" of her ports. Not satisfied with this Germany shelled a fort and bombarded Puerto Cabello.

Venezuela now appealed to the United States and asked her to transmit a proposal of arbitration. The American minister, Mr. Herbert W. Bowen, seems to have persuaded Venezuela to this course. In making the request she asked that the President of the United States act as arbitrator. This President Roosevelt declined and suggested a mixed commission. Great Britain and Italy readily assented, though the former made a few reservations, but Germany refused. Being unable to move her otherwise President Roosevelt at last told the German ambassador that, unless the Emperor consented to arbitration within forty-eight hours, he would order the fleet to proceed to Venezuela for the purpose of preventing the occupation of any territory. The ambassador wanted to argue, said that his master had already refused to arbitrate and could not change his mind. But Roosevelt said there was nothing to argue about.<sup>9</sup> However if the offer of arbitration came in time he would treat it as though it had come on German initiative. The offer came and Roosevelt praised the Kaiser as a staunch advocate of arbitration.

Why did Roosevelt change his attitude? He had said that he would not interfere except to prevent the "acquisition of territory." Germany had denied any intention of permanent occupation. Possibly he would have regarded a really temporary occupation as "acquisition of territory." At any rate he knew how easy it was to find excuses for prolonging temporary occupation until it became permanent and decided that the

<sup>9</sup> Thayer, "Life and Letters of John Hay," II, 286-8.

best thing to do was not to allow any occupation whatever.

Germany had made the test and had found that the Monroe Doctrine was a living reality. Indeed, with a President ready to order warships to the scene of action, it was now decidedly more vital than in 1826, for then Adams, confronted with a politically hostile Senate, was virtually forced to say that it meant only that each nation should maintain the principle in application to its own territory and permit no European power to establish any colonies on its soil.

When the three powers made their treaty of arbitration with Venezuela they asked other powers having claims to adhere to it and several other countries, including the United States, did so. Germany, Great Britain and Italy claimed priority in payment because of the force they had brought to bear on Venezuela. The other powers resisting this claim, it was submitted to The Hague and decided in favor of the first three. The claims themselves were settled by a mixed commission sitting at Caracas, which awarded a total of 31,548,130.60 bolivares. The largest amount was awarded to Belgium, 10,898,643, while Germany got 2,091,908.

## CHAPTER XI

### DOLLAR DIPLOMACY—LEAVING SANTO DOMINGO TO HERSELF

It is still the true policy of the United States to leave the parties [Latin America] to themselves, in the hope that other powers will pursue the same course.—Monroe, 1823.

It is not true that the United States feels any land hunger or entertains any projects as regards other nations of the Western Hemisphere save such as are for their welfare. All that this country desires is to see the neighboring countries stable, orderly, prosperous. Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrongdoing, or an impotence which results in the loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe doctrine may force the United States, however reluctantly, in flagrant cases of wrongdoing or impotence, to exercise an international police power.—Roosevelt, 1904.

[The Latin American States] have had harder bargains driven with them in the matter of loans than any other people in the world. Interest has been exacted of them that was not exacted of anybody else, because the risk was said to be greater; and then securities were taken that destroyed the risk—an admirable arrangement for those who were forcing the terms. I rejoice in nothing so much as the prospect that they will now be emancipated from

these conditions, and we ought to be the first to take part in assisting in that emancipation.—President Wilson's Mobile Address, 1913.

We have already seen how the Venezuelan affair marked the beginning of the end of Monroe's policy of *laissez faire* as worded in the quotation from his message given above. Undoubtedly this was necessary in order to uphold the more essential part of the doctrine, that against colonization or "interposition for the purpose of oppressing them, or controlling in any other manner their destiny by an European power." But this was not the end of interposition. When our moneyed men saw what other countries were doing for their "gentlemen adventurers," for example Germany, Great Britain, and Italy in Venezuela, they began to take notice. Within four years after he had made the first statement quoted from him above, President Roosevelt saw, as indicated in the last quotation, that they would have to be reckoned with. They certainly have secured much, though not everything demanded. The Caribbean region and Mexico have been the chief centers of their activity. In these cases they have not been content "to leave the parties to themselves."

The case of Santo Domingo bears some resemblance to that of the last Venezuelan case, but it is essentially different. (The latter case began with a notice to foreign powers that they would not be allowed to seize the customs or occupy even temporarily any part of Venezuela to secure payment of claims.) Only incidentally were American claims brought up. In Santo Domingo American interests came first, foreign claims being a mere incident, though it was urged there and

elsewhere that orderly governments should be maintained to rob European governments of any pretext of interference.

The first manifestation of peculiar interest in Santo Domingo came in 1866 when Admiral Porter was sent down to inspect Samana Bay with a view of securing it for a naval station. It seemed very attractive and in February, 1868, Secretary Seward secured a convention for a twelve-year lease for which we were to pay \$1,000,000 in gold and \$1,000,000 in currency to be used in the purchase of arms. A hitch came on the question of a plebiscite in Santo Domingo, on which Seward insisted. President Johnson warmly commended the purchase, but there was strong opposition in the House, which defeated a resolution approving the project 63 to 110.

While Johnson never sought to revive the matter he took occasion to say in his last annual message that "while the United States have on all occasions professed a decided unwillingness that any part of this continent or of its adjacent islands shall be made a theater for a new establishment of monarchical power, too little has been done by us, on the other hand, to attach the communities by which we are surrounded to our own country, or to lend even a moral support to the efforts they are so resolutely and so constantly making to secure republican institutions for themselves." However, he feared that the establishment of "a rule more absolute, harsh, and tyrannical" over the Southern States "than any known to civilized powers" would cause the Latin-American communities to distrust us.<sup>1</sup>

In 1869 President Baer found Dominican finances

<sup>1</sup> Richardson, "Messages and Papers," VI, 688.



in a bad way and himself on the eve of a fall. As a means of safeguarding himself and lining his pockets he devised a scheme of selling his country to the United States. His agent approached President Grant and told him of the great riches of the island, that the people were weak in numbers and poor in purse and consequently not able to develop their resources, that they longed for annexation to the United States, whose "institutions they loved above those of any other nation, and that, if not taken in, they would have to seek protection elsewhere." In view of these facts, and "with an earnest desire to maintain the Monroe Doctrine," President Grant sent an agent to Santo Domingo who brought back a treaty of annexation. Curiously enough the day he sent this treaty to the Senate he also resubmitted the question of leasing Samana Bay.

Concerning the latter we hear nothing more. The treaty of annexation provided that the United States should assume the obligations of Santo Domingo up to \$1,500,000, and take over the public lands, and protect the Dominicans until the public will on the subject had been expressed.

President Grant had already taken steps to protect the Dominicans, for three warships had accompanied his agent and they carried orders to make war on Haiti, if she attacked Santo Domingo. His cabinet was astonished when they heard of the treaty and never approved it, but he laid it before the Senate without comment. Finding that it dragged he sent a special message (May 31, 1870) urging ratification. The priceless pearl, "capable of supporting a population of 10,000,000 in luxury," was to be had for a nominal sum and should not be allowed to slip. But

Senator Sumner, then chairman of the committee on foreign relations, though working ardently for the annexation of Canada, was not in favor of expanding southward and succeeded in defeating the treaty 28 to 28. Defeated but not cast down, President Grant returned to the attack and declared that the "best interests of this country commercially and materially demanded its ratification." If we abandoned the project, Samana Bay, one of the best harbors in the world, would be secured by some European power and lost to us forever.

But his appeal was all in vain. The finances of Santo Domingo now went from bad to worse and in 1888 the government sought relief in Europe. Westendorp and Company, a Dutch concern, now bought Dominican 6 per cent bonds at  $83\frac{1}{3}$  and were given the right to collect the custom duties, no protest being made by the United States. Five years later this right was transferred to the Santo Domingo Improvement Company of New York. Soon after this a private suit between President Heureaux and the National Bank of Santo Domingo, a French concern, led to a rupture of diplomatic relations and a threat on the part of France to seize the customs houses to secure compensation for this and for the murder of a French citizen, for which she demanded 400,000 francs. Thereupon Secretary Gresham notified France of the rights of the Santo Domingo Improvement Company in order that she might govern herself accordingly in seeking to enforce her claims. No protest was made against the threatened seizure. Indeed, when the Dominican secretary of state notified Secretary Gresham that his government would resist forcible measures by France and would solicit the assistance of the United States Mr.

Gresham gave him no encouragement to hope that such assistance would be given.<sup>2</sup>

Revolutions continued to be the order of the day and the ship of state kept drifting toward the shoals of bankruptcy. In 1899 President Heureaux was assassinated and disorder was continuous, three revolutions being in progress at one time, until 1904. In the course of these disorders shells fell in several of the legations. Marines were then landed from a German vessel to protect the German consulate and look after English interests. When the President refused to allow an American vessel to proceed to certain ports held by the insurgents our minister, Mr. Powell, protested on the ground that no notice of a blockade had ever been given and sent the vessel on under convoy. In January, 1904, Morales was recognized as provisional president on condition that he ratify all engagements made with the legation by preceding administrations. After that there was comparative peace for a time. By this time the debt amounted to \$32,280,000, of which \$22,000,000 was claimed by European creditors.<sup>3</sup>

American property interests in the island now amounted to about \$20,000,000, chiefly in sugar and bananas. The United Fruit Company held over 18,000 acres of land valued at \$500,000. Of the two railways, one was owned by American the other by British interests. The exploitation of woods and the development of the oil fields were chiefly in the hands of Americans. The debt, of which Americans held a share, was now the most pressing question.

We have seen that in 1893 Westendorp and Company

<sup>2</sup> For. Rel., 1895, 239-41, 397.

<sup>3</sup> *Ibid.*, 1903, 390 f; 1904, 262.

had turned over its right to collect the customs to the Santo Dominican Improvement Company of New York.<sup>4</sup> In 1901 President Jiminez, by an arbitrary decree took the right away from the company. Under pressure the new Dominican government (Morales) signed a protocol (January 31, 1904) agreeing to submit the claims of the company to arbitration. The arbitrators, two Americans and one Dominican, unanimously agreed that Santo Domingo should pay the Santo Domingo Improvement Company and certain allied companies, including the National Bank of Santo Domingo, \$4,500,000 as full indemnity for all their property rights and claims. In return they were to surrender to the Dominican government 6,338 shares of the National Bank of Santo Domingo, and upon receipt of \$1,500,000 of the principal debt, all the shares of the Central Dominican Railway free of debt, with the physical property for the delivery of £830,654 of bonds and £331,400 of script with the understanding that the outstanding obligations liable to be presented should not exceed £1,148,600. Payments were to be made by Santo Domingo in monthly installments.

The customs duties now amounted to about \$1,850,000 a year. As the current expenses amounted to \$1,300,000 this left only \$550,000 to meet annual interest charges amounting to \$1,700,000, to say nothing of \$900,000 arrears and the creation of a sinking fund for redemption of the debt, of which at least \$22,000,000 was recognized. Clearly this was a condition of bankruptcy. To meet it the arbitrators stipulated that the customs duties of certain ports were to be given over as security and the collection of the duties was to be in the hands of a financial agent appointed by the

<sup>4</sup> *Review of Reviews*, 31:293-8.

United States. Until the debt was satisfied there should be no reduction in the duties.

A few days after the award another revolution broke out. Possibly there was some connection between this and the award, for there would be no chance to plunder the customs when once in the hands of Americans. Captain Dillingham soon stopped the revolution by giving the leaders responsible positions.

At first President Morales refused to accept the award unless 60 per cent of the funds was turned over for government expenses. Under pressure, however, he decided to "request" the appointment of an American collector, whereupon his ministers, seeing the rich pickings slipping beyond their grasp, threatened to resign. As they were supported by certain powerful outsiders Morales knew that this would mean another revolution and decided not to make the request.

Meantime the foreign creditors waked up to what was going on and their governments became active, in concert, thought Secretary Hay. One of them intimated that it might occupy some of the ports to secure its payment, whereupon the Dominican government was asked if it would request the United States to take charge of the duties and effect a settlement with its creditors, if allotted an equitable portion for running expenses. Seeing that they were now likely to lose, not simply a part, but all of their revenues, the President and his cabinet agreed to make the request.<sup>5</sup> They asked for 60 per cent. Secretary Hay suggested 40 per cent. A compromise was effected whereby 55

<sup>5</sup> Possibly this second "request" furnished the ground for President Roosevelt's statement that the treaty "was concluded with Santo Domingo at Santo Domingo's earnest request, repeatedly pressed upon us." Sixty-third Cong., 1st sess., Sen. Doc., Vol. 12, 528.



per cent was to go to the creditors, 45 per cent to the government and a protocol to that effect was signed.

Apparently President Roosevelt had not intended to submit this to the Senate as a treaty. This was not the first time a President had made a binding agreement with a foreign nation without consulting the Senate, but the criticism of this step as a radical departure was insistent and he finally sent it to the Senate. In doing so he said:

✓  
It has for some time been obvious that those who profit by the Monroe Doctrine must accept certain responsibilities along with the rights which it confers; and that the same statement applies to those who uphold the doctrine. . . . The justification for the United States taking this burden and incurring this responsibility is to be found in the fact that it is incompatible with international equity for the United States to refuse to allow other powers to take the only means at their disposal of satisfying the claims of their creditors and yet to refuse, itself, to take any such steps.

He goes on to say that an aggrieved nation can hardly collect damages without taking temporary possession of territory. Apparently he sees little difference between temporary and permanent occupation, for he says that "the United States then becomes a party in interest, because under the Monroe Doctrine it cannot see any European power seize and permanently occupy any of these republics." Unless Santo Domingo received assistance from the United States in regulating its finances, the governments of Europe would be forced to resort to compulsion to secure satisfaction for their subjects, which they had a right to do under the law of nations. If we did nothing, the island would

be turned over to European creditors and American claimants would lose everything. Continuing he said:

Either we must abandon our duty under our traditional policy toward the Dominican people, who aspire to a republican form of government while they are actually drifting into a condition of permanent anarchy, in which case we must permit some other government to adopt its own measures in order to safeguard its own interests, or else we must ourselves take seasonable and appropriate action.

This idea seems to have weighed on his mind, for he repeats it in slightly different language.

. . . either we must submit to the likelihood of an infringement of the Monroe Doctrine or we must ourselves agree to some arrangement as that herewith submitted to the Senate. . . . If this is done a general acceptance of the Monroe Doctrine will in the end surely follow; and this will mean an increase of the sphere in which peaceful measures for the settlement of international difficulties gradually displace those of a warlike character.<sup>6</sup>

The Senate refused to ratify the protocol, but Roosevelt was determined to become the first regulator under the new doctrine and drafted a *modus vivendi* carrying out the provisions of the protocol except for the guarantee of territorial integrity, which was protected anyway under the Monroe Doctrine, and unofficially sent down the collectors and dispatched war vessels to sustain them. Two years later the Senate ratified a new treaty, leaving out the territorial guarantee and providing that Santo Domingo should allow officials appointed by the United States to collect and disburse the revenues until the old debt was paid

<sup>6</sup> Message of Feb. 15, 1905.

in full. By this time, through increase of revenues and compromising the claims the debt had been reduced to \$17,000,000.

The net result of the Venezuelan and Dominican financial troubles was the adoption of the Drago Doctrine, which is a modified form of the Calvo Doctrine as given above, into the body of international law.

When the Venezuelan trouble was brewing, Louis M. Drago, minister of foreign affairs in Argentina, sent to our state department a communication discussing the possibilities of such a situation and laid down the principle

that the public debt cannot occasion armed intervention nor even the actual occupation of territory of an American nation by a European power.

No action was taken at the time, but in 1906 Secretary Root instructed our delegates to the Pan-American Conference at Rio to adhere to it, saying that the use of force for the collection of debts was not "consistent with that respect for the independent sovereignty of other members of the family of nations which is the most important principle of international law and the chief protection of weak nations against the oppression of the strong." Later the principle was presented at The Hague Conference (1907) by the American delegates and a modified form of Drago's original proposition was adopted. It reads:

The contracting Powers agree not to have recourse to armed force for the recovery of contract debts claimed from the Government of one country by the Government of another country as being due to its nationals.

This undertaking is, however, not applicable when the

debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any *compromis* from being agreed on, or, after the arbitration, fails to submit the award.<sup>7</sup>

However, this was ratified by only seventeen out of the forty-four nations represented at The Hague and there were many reservations accompanying the ratifications.

Besides the concerns already mentioned, numerous other American interests had to be looked after by the Department of State. Concession holders in particular called for attention. Concessions recklessly granted by one government were disregarded by the next. One concession is said to have been granted by the President on condition that the holder should get for him proper support from the United States. But the story of these negotiations need not detain us.

During the Roosevelt and Taft administrations the customs and the debt appear to have been well managed by competent men. The chief responsibility rested upon W. W. Russell, minister to Santo Domingo, and William Pulliam, head of the customs service. The former had had long experience in Latin-American diplomacy and the latter had seen twenty years of training in the public service. After the Democrats took charge at Washington these men were replaced by certain "deserving Democrats," but the new men were incompetent and affairs were soon in a bad way. Complaints finally became so loud and persistent that they were removed and the former officers were reinstated.

The debt problem was handled by the floating of a loan in 1908 to the amount of \$20,000,000. So much

<sup>7</sup> Scott, "Proceedings of The Hague Peace Conference of 1907," I, 616.

of this as was not needed to take up the \$17,000,000 of claims was to be devoted to the purchase of certain concessions and to public works. Under American control the foreign trade of Santo Domingo mounted from \$6,000,000 in 1906 to \$20,000,000 in 1912. Even before that time the customs collections enabled the administration to meet the debt obligation to the extent of \$6,000,000.

But the customs administration had no control over the rest of the government and the graft continued to flourish like the green bay tree. One man is said to have simulated the handwriting of a dozen different men in order to pad the payroll and increase his income. (Perhaps he needed it, for salaries were wretchedly low.) Men got appointments to office and then presented their claims for salaries though they had never been within thirty miles of the office. Accounts were raised and in some cases approved for supplies that never had been delivered.<sup>8</sup> The internal revenue was poorly collected.

Another feature of Dominican life which went on undisturbed was the practice of revolution. In 1911 President Carceres was killed and President followed President in much the same way. In 1912 the insurgents, unable to resist the tempting bait, seized the customs house, but the marines drove them out and restored American control. In 1914 Minister Sullivan stopped a revolution against President Boedas, but later he and Governor Fort, who had been sent down on a special mission, supported a revolution. After this Jiminez was elected President under the electoral

<sup>8</sup> Statement prepared by Navy Department, Hearings before Select Committee on Haiti and Santo Domingo, U. S. Senate, Sixty-seventh Cong., 1st sess., Sen. Res., 112, 974.



law the change of which the revolutionists had said was one cause of the trouble.

Jiminez took office in December, 1914, and comparative quiet reigned for a year or more. November 19, 1915, Minister Russell presented a note from the State Department demanding that the United States be allowed to take charge of the finances and of the army, making Santo Domingo a protectorate. This Jiminez refused to do as inconsistent with Dominican honor and sovereignty.

No further effort to take over Santo Domingo seems to have been made immediately, but the following spring a difference arose between President Jiminez and his secretary of war, Arias, which resulted in a little fighting. Marines were then landed, as Mr. Russell announced, to protect the American legation. Later a shell is said to have fallen in the legation, whereupon Jiminez was virtually forced to resign (May 7) and Arias retired to the interior where his forces soon disbanded for lack of pay. The Dominican Congress was requested not to meet until the city assumed "its normal aspect" and three days later (May 18) it was requested not to elect a President for fear it might occasion serious disorders. June 18 C. H. Baxter, as receiver general, took charge of all the revenues. July 26 Congress was allowed to elect a President and it chose Dr. Henriquez y Carvajal for a term of six months. As a condition of recognition Mr. Russell asked him to sign a treaty which had been presented to Jiminez, making Santo Domingo a protectorate of the United States. But Henriquez refused to do this—he knew what had been happening in Haiti—and soon after this Admiral Knapp issued a proclamation (November 29, 1916) declaring that Santo

Domingo had repeatedly violated Article III of the treaty of 1907, in which she had agreed not to increase her debt without the consent of the United States and had given as the excuse for this the expenses incident to suppressing rebellion, that the government of Santo Domingo had refused to adopt measures of reform urged by the United States, and that the United States had determined that the time had come to take measures to insure the observation of the treaty by Santo Domingo and to maintain domestic tranquillity which "has been disturbed and is not now established." In carrying out this determination he declared Santo Domingo to be in a "state of military occupation" and "subject to military government." He further assured the people that this was not done to destroy the sovereignty of Santo Domingo, but to bring about order.<sup>9</sup>

For over three years little was known in the United States of what was happening in Santo Domingo. Not long after the proclamation of martial law we entered the Great War and were too busy with finishing that and making peace to think of much else. Besides, not very much food for thought was allowed to come out of Santo Domingo. For some time it was reported that the Americans were doing great things for the island—building roads, erecting schoolhouses and spreading education, to say nothing of preserving order and preventing graft while paying off the debt. But rumors trickled in that not everything was altogether roseate. Charges and complaints of a serious nature became common. Finally the Wilson admin-

<sup>9</sup> Hearings before a Select Committee on Haiti and Santo Domingo, U. S. Senate, Sixty-seventh Cong., 1st sess., Part 3, pp. 1086, 1097, 1085, 948, 956. Hereafter cited as McCormick Hearings.

istration announced (December 23, 1920) that martial law would be terminated, but left the job of termination to its successor. June 24, by authority of Secretary Hughes, the military governor issued a proclamation that the military forces would be withdrawn in eight months under conditions named in the proclamation. A peaceable election must be held, under "supervision of authorities designated by the Military Governor," for the choice of a President and members of Congress and other officers as directed by the constitution. The Military Governor would then appoint certain citizens to negotiate a convention of evacuation which must contain provision for:

1. Ratification of all the acts of the Military Government.

2. Validation of the final loan of \$2,500,000, the minimum sum necessary to complete the public works then under construction and "essential . . . to the well being of the Dominican people."

3. Extension of the duties of the General Receiver of Dominican Customs to apply to said loan.

4. Extension of the same to the collection and disbursement of the internal revenue, should customs duties at any time prove insufficient to meet the obligations of the foreign debt.

5. The new President must request the President of the United States to send a military mission to organize a national guard, officered by men appointed by the President upon the nomination of the President of the United States.

Upon the ratification of this convention, "assuming that . . . a condition of good order and peace" obtained, the Military Governor would transfer his powers to the President and withdraw the military forces.

This remarkable proclamation raised a storm of protest throughout Santo Domingo and the cable was kept busy calling on the minister at Washington to

denounce and protest. June 20 an enormous crowd gathered in Santo Domingo City and declared that the state should assume no other obligations than those in the treaty of 1907. This was handed to the military governor and was forwarded to President Harding. In response Secretary Hughes now directed the military governor to modify the proclamation to the following effect: (1) The delegates to negotiate the treaty of evacuation would be appointed by the Dominican Congress and only confirmed by the military governor. (2) The demand for validation of the acts of the military government was primarily intended to secure the debt and not to prevent repeal of ordinary laws. (3) The extension of the powers of the receiver general was only another precaution to secure the debt.<sup>10</sup>

July 14 the military governor promulgated an electoral law and set August 13 as the date for the election. But the Dominicans were not satisfied. In particular they denounced the new loan, which was to be issued at 8 per cent, but probably would be sold on such terms as to raise the interest to 14 per cent as in the previous loan. The Junta organized at the meeting of June 20 denounced the proposed election as an invitation to surrender political and financial sovereignty and warned the people against taking any part in it.<sup>11</sup>

Such proceedings naturally attracted attention in the United States and aroused sympathy. Individuals visited the island to observe and report. The Haiti and Santo Domingo Independence Society was organized in New York and Horace G. Knowles, an experienced diplomat and former minister to Santo

<sup>10</sup> *Times, Current Hist. Mag.*, August, 1921, 813 f.

<sup>11</sup> *Ibid.*, Sept., 1921, 1081.

Domingo, became its spokesman. July 27 the Senate voted to have an investigation and a committee of five, headed by Senator Medill McCormick, was appointed. This committee held several sittings in Washington and then spent six days in Santo Domingo. It was accompanied by Mr. Knowles, who acted as attorney for the Dominicans and very materially assisted them in presenting testimony.

The coming of the committee was known long beforehand and the government of occupation had ample time to set its house in order. It prepared a statement<sup>12</sup> of things for which it claimed credit and this was turned over to the committee by the Navy Department. The following is a summary of the main items on the credit side.

Keeping up regular "service" on the loan of 1908, which it predicted would be paid off in 1925, 33 years before it was due.

Payment in full of the loan of \$1,500,000 (1912) in 1917.

A general reform of the whole financial system, especially in the collection and disbursement of the internal revenue. For example, the total revenue collected had risen from \$782,144 in 1916 to \$1,697,113 in 1918 and to about \$4,000,000 in 1920, the total income from \$4,441,415.27 in 1916 to \$10,495,386.35 in 1920. It had taken over a deficit of \$14,234.63 in 1916 and 9038 claims amounting to \$16,960,513.48, which had been accumulated in violation of Article III of the treaty of 1907. It had appointed a commission to investigate these claims and had rejected all but \$4,292,343.52. These it had paid off by a bond issue of

<sup>12</sup> McCormick Hearings, 973-1054 for the whole Report.



\$4,025,600 and the rest in cash. It had wiped out the deficit of \$14,234.63 and now had a surplus of considerably more than \$3,000,000.

Making the gold dollar the standard of currency and the substitution of American money for the depreciated Dominican coin and currency.

Revision of the banking laws and the promulgation of a negotiable instrument act and a warehousemen's act.

Revision of the laws of customs and ports, the stoppage of the multiplication of salaries and various kinds of graft.

Loans to municipalities and increase of municipal revenue.

Institution of a survey fund for a survey of the natural resources by the United States Geological Survey.

A new mining law under which numerous concessions had been granted.

Carrying out a public works program (roads, bridges, public buildings, wharves, etc.) to the extent of \$19,-344,636, only \$3,074,436 of which had come from the loan of \$20,000,000 made in 1908.

Taking over from private hands lotteries conducted for benevolent purposes.

A law of eminent domain to secure property needed for public purposes with a minimum of delay.

A pension law including civil officers.

Improvement in the police force.

Improvement in sanitation and public health.

Promulgation of several social laws, including one breaking the monopoly of justices in solemnizing marriage and reducing the fee to one dollar.

A vast improvement in education, raising the num-

ber of rural schools from none <sup>13</sup> to 647, the enrollment of pupils from 18,000 to over 100,000, the average attendance from 40 per cent to 85 per cent, increase of salaries from \$8 to \$60 per month to \$55 to \$150 per month.

However, some Dominicans and some Americans did not view the government of occupation in the same light as that of the administrators. The Dominicans denied that they had increased the debt in violation of the treaty of 1907, holding that the floating debt and claims amounting to \$16,000,000 did not belong to the category of "public debt" as used in the treaty.

Naturally the politicians who had been free to start a revolution at any time did not approve of disarming the people, which made such revolutions impossible. For a time at least it had the advantage of making life more safe. For example, in the province of Santiago the number of homicides is said to have been reduced from three hundred a year to about fifty.<sup>14</sup> That had some advantages which the Dominicans were bound to admit. The increase of banditry and homicides in 1921 was ascribed to the smuggling in of arms.

The Dominicans had some charges of oppression and atrocities to bring against the government of occupation, though nothing like as many as were brought in Haiti. The most serious complaint was against a brute who carried on his cruelties for six months, including two months after complaints had been lodged and an investigation ordered.<sup>15</sup> A few mutilated victims of the officers were brought to Port-au-Prince to

<sup>13</sup> The superintendent of education under the military government reported 84.

<sup>14</sup> Kelsey in *Annals of Academy*, C, 179.

<sup>15</sup> *The Nation*, 114:188.

testify before the Senate Committee, but that body left before they could be heard. To protest to the military government is considered practically useless. It brooks no criticism. Even so well known a person as Mr. Knowles, whom the Senate Committee treated very courteously, was cited to appear before the military governor, Rear Admiral Robison, when it was learned that he was remaining behind after the committee left to gather additional evidence, and told to get out.<sup>16</sup>

In its preliminary report (December 26, 1921) the Senate Committee praised the work of the government of occupation, though they admitted that the loans of 1918 and 1921 were "unusual and crushing." However, these had been made to "satisfy claims against the Dominican Government incurred in violation of the convention of 1907" and the revenue had fallen off, due to the slump in business. Withdrawal now was impossible, since the leaders had persuaded the people to reject the proposed terms. Good roads were the country's greatest need. A new loan was advised to refund the last two and to provide funds for road building. The roads would enable the Dominican government to put down revolutions and give such guarantee of stability and order as would justify the United States in modifying the terms of withdrawal announced June 24, 1921.<sup>17</sup>

Without doubt there was much in the work of the government of occupation of which it might well be proud and which deserved the praise of the committee. On the financial side the report was good. By June 30, 1921, the debt had been reduced to \$12,572,270, but

<sup>16</sup> *Ibid.*, 110.

<sup>17</sup> *N.Y. Times*, Dec. 27, 1921, 3:3-4.

after that the outlook was not as good as before. The government of occupation, like other governments, had failed to foresee the slump in industry and commerce and the consequent slump in revenue. This accounts in part for the loan of \$2,500,000 in 1921. This loan and that of \$4,025,600 in 1918 occasioned a good deal of criticism, for which there seems to have been abundant justification. The circular issued by Speyer and Company and The Equitable Trust Company offered at 100 and accrued interest the \$2,500,000 four-year 8 per cent sinking fund gold bonds redeemable in semi-annual drawings at 105 and accrued interest to yield 18.91 per cent, if redeemed December 1, 1921, 13.20 per cent, if redeemed June 1, 1922, and so on to 9.07 per cent, if redeemed at maturity, June 1, 1925, making an average of about 14 per cent. This certainly was an unconscionable rate of interest to charge for bonds advertised as guaranteed by the United States when its own bonds could easily have been floated at 5 per cent or less. The statement made in some American papers that this 8 per cent loan, which, it seems, was sold at 96.5 instead of 100, compared favorably with loans floated by European and other Latin-American countries at the same time, is altogether deceptive, for no mention was made of the redemption feature at 105.

March 6, 1922, Rear Admiral Robison, military governor, announced the annulment of the proclamation of June 24, 1921, stating the terms of withdrawal and said that the military government would continue its program of public works and public education and organizing and training a military force (guardia) sufficient to preserve order without any aid from the military forces of the United States. In

furtherance of this policy a loan would be negotiated. When the program of public works was completed and the Dominican government was able to maintain order, the United States would consider complete withdrawal of its military forces, conditioned upon a prior election of a properly constituted government and the ratification of a treaty providing for the extension of the duties of the receiver general until the loan was paid off and "making such other provisions as may appear to be to the mutual advantage of the United States and the Dominican Republic."<sup>18</sup>

The loan called for amounted to \$10,000,000, though only \$6,700,000 was asked for at the time. The bonds were to run twenty years, drawing 5.5 per cent and were offered at 94.5. The military government guaranteed the acceptance and validation of the issue by any Dominican government as a legal, binding and irrevocable obligation and a first lien upon the customs was given as a pledge of payment. Protests were raised in Santo Domingo, but of course no attention was paid to them.

In spite of all these things the Dominican people still manifest a friendly spirit toward the American people. They do not believe that the Americans know what humiliations, largely social, they have endured at the hands of the military force in charge of their government, which they hold is a violation of the constitutions and laws of the United States and of Santo Domingo, of treaties existing between them, international law, the Monroe Doctrine, and President Wilson's Fourteenth Point.

What the Dominicans want is the restoration of their freedom. On the eve of the departure of the

<sup>18</sup> *Nation*, 114:480.



Senate Committee they staged a considerable demonstration, the slogan of which was, "Give us our independence." Some time after the committee made its preliminary report representative Dominicans came to the United States and, by holding several conferences with Secretary Hughes, finally made some impression. July 11, 1922, Mr. Hughes announced another plan of withdrawal, or rather a restatement of the plan of 1921 slightly modified. The Dominicans were now asked to set up a provisional government which should appoint plenipotentiaries to negotiate a convention with the United States ratifying all the acts and orders of the military government and extending the convention of 1907 so long as any of the debt remains unpaid, and to hold an election for a national congress to approve the convention. Following approval there was to be another election to select members of the executive power who should also ratify the convention. A pledge was given that the military government would turn the palace over to the provisional government as soon as it was installed, would concentrate the troops in not more than three places, and that there should be no interference with the elections.

To see if this agreement was satisfactory to the majority of the Dominicans President Harding sent Mr. Sumner Welles, formerly chief of the Latin-American Division of the Department of State to Santo Domingo with the powers of a plenipotentiary.<sup>19</sup> He soon reported that it was and the provisional government, with Juan Bautista Burges as President, was installed for the purpose of promulgating regulations

<sup>19</sup> N.Y. *Times*, July 12, 1922, 17:1.

concerning elections, to promote the reorganization of the provincial and municipal governments and to enable the people to amend the constitution as they see fit.<sup>20</sup>

<sup>20</sup> *Ibid.*, Oct. 21, 1922, 15:8.

## CHAPTER XII

### DOLLAR DIPLOMACY—LEAVING HAITI TO HERSELF

It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.—Monroe, 1823.

Human rights, national integrity, and opportunity as against material interests—that, . . . is the issue which we now have to face. I want to take this occasion to say that the United States will never again seek one additional foot of territory by conquest. She will devote herself to showing that she knows how to make an honorable and fruitful use of the territory she has, and she must regard it as one of the duties of friendship to see that from no quarter are material interests made superior to human liberty and national opportunity.—President Wilson's Mobile Address, 1913.

In 1896 General Sam was elected President of Haiti on the sudden death of President Hypolite. In 1902 a difference of opinion arose as to when his term would expire. He insisted on holding until 1903, but was forced out in 1902. Fighting was carried on throughout the greater part of the year. In the course of the trouble Admiral Killich, one of the revolutionary leaders, searched a German vessel and took off certain goods consigned to the Haitian government. A few days later the *Panther*<sup>1</sup> appeared and demanded the surrender of the vessel. The admiral knowing that

<sup>1</sup>This same vessel was to create a European crisis a few years later by appearing at Tangier.

all was over, sat on a keg of powder and lighted his cigar. A shot from the *Panther* finished the work of destruction. This action was commended by the American press, a fact which the German press interpreted as meaning that the Monroe Doctrine did not mean that the United States would object to proper protection of its commercial interests by a European power.

The fighting continued for a year or more. Each side replenished its treasury as best it could. In less than a year the Haitian government had borrowed \$1,500,000 at 12 per cent, pledging the customs for payment, while \$2,000,000 of paper money and 8,000,000 rounds of ammunition were imported by General Firman from New York. Munition makers sold to both parties at double or treble the value of the goods and the speculators loaned to both, though they charged Firman a higher rate. "They well know," said Minister Powell, "that their money is secured whichever side wins, as their diplomatic representatives will compel whatever government may be in power to pay the same, so there is no way for them to lose. So long as the government has anything to mortgage in the way of customs receipts they will get their money; this will continue until there is nothing left to borrow upon."

As the plans for the Dominican receivership began to take shape it was currently reported that the interested European powers which had kept several warships about the island to protect their nationals, would be glad for the United States to take over Haiti also. This alarmed the new president, Nord, and his minister at Washington, Leger, asked if it was to be done. Secretary Hay assured him that the United States had

no intention to annex Haiti or force a protectorate over the country.

Comparative quiet now reigned in Haiti for four years, after which a revolution was started to overthrow President Nord. Its failure was largely due to the fact that the United States prevented the shipping of arms from its borders. President Nord treated the revolutionists harshly and demanded the delivery of refugees by the French legation. The refusal of the legation to comply was acquiesced in on condition that the refugees leave the country. However, Nord was forced out before the close of the year and Simon was elected in his place. In 1910 Nord tried to regain power, but died before accomplishing it.

But bond holders and concessionaires were not deterred by small things like revolutions—as long as they had diplomats to back them up. An American concern secured a concession for railroads from the interior to four seaports and was given a strip twelve miles wide on each side of the road. When the revolution of 1910 failed the Senate authorized the creation of a bank to secure a loan of \$16,000,000 in France. A Commission was sent abroad, some going to France, some to Germany. Germany objected to any participation in the loan by Americans, but the French government would not allow German participation without Americans. When Secretary Knox learned of these proceedings he objected to the preponderance of French interest. Whether Mr. Knox acted on his own initiative or was prompted by certain banking interests is an open question. The result was that the National City Bank and three other concerns of German affiliations were allowed to take one-fifth of the



shares.<sup>2</sup> The bank now controlled nearly all the public debt and was to receive and pay out the public funds, thus acting as treasurer, though it did not collect. In a few years the National City Bank bought out all the other share holders and became sole owner.

By this time the claims of the different countries against Haiti were as follows: France 38, Germany 14, United States 10, Great Britain 6, Italy 4, Santo Domingo 2, and Denmark, Holland, Spain, and Belgium one each. Near the close of 1910 the United States, France, Germany, Great Britain and Italy presented a joint note proposing the formation of a joint commission, including a member for Haiti, for the settlement of these claims. July 5, 1911, they presented another note stating that they would proceed to organize the commission themselves if the difficulties were not settled in three months. The new government declared its willingness to settle all just claims, but preferred to admit the principle of an international commission. A few claims were settled with France, Germany and the United States, but things were moving too slowly and a third note, almost identical with that of July, was presented December 8. This note extended the period of grace to April 4. Again the Haitian government declined to recognize the principle of the commission but offered to arbitrate any claims not settled by diplomacy. The settlement of claims continued and March, 1912, all the claims of Great Britain and Italy had been adjusted.

In 1903 (apparently a reënactment of a law of 1876) Haiti had passed a law to protect its "nationals against the dishonest competition of" Syrians, and to safeguard the public health. In 1912 the demand for the

<sup>2</sup> McCormick Hearings, 105 f.

enforcement of this law was vigorous and the government refused licenses to a number of Syrians. Thereupon Cuba, France, Great Britain, Santo Domingo and the United States sent an identic note protesting against the law, especially in its application to their naturalized Syrians. The government refused to comply and gave its reasons for doing so, comparing its action to that of the United States in excluding Chinese. However, after several conferences President Leconte agreed that the law should not apply to Syrians naturalized in the United States previous to 1903.

Mr. H. W. Furniss, the American minister to Haiti, declared that the Americans of Syrian origin in Haiti were respectable, law-abiding citizens and were a great benefit to our export trade. The crux of the difficulty seems to have been that they were content with a small profit on a large turnover, while the merchants of other nationalities, particularly Haitian, preferred large profits on small sales and consequently were small importers. In spite of promises persecutions continued and many of the Syrians finally left the island.

In the meantime changes in the Presidential office were taking place with kaleidoscopic frequency. By means of a revolution Simon was replaced by Leconte in 1911. In August, 1912, Leconte was killed, along with about one hundred others, by an explosion of powder which he had collected in the palace. He was followed by Auguste, who died May 2, 1913. Oserte was now elected President, but early in 1914 he was driven out by Theodore and Zamor, taking refuge on a German warship. The two leaders now fought each other for the presidency, but Zamor, a coal black negro,

was elected by Congress and soon drove Theodore out. Zamor was now recognized by the United States, though at the very same time President Wilson was refusing to recognize the "blood-stained" government of Huerta in Mexico.

Several foreign warships were already in Haitian waters. The United States sent a battleship and 700 marines to Guantanamo, Cuba, to have them conveniently near. A French warship demanded of Zamor the immediate payment of interest to the French creditors. Noting the success of the French, Germany and Great Britain followed suit. In order to finance his tottering administration Zamor now borrowed of Peter to pay Paul and put himself under heavier obligations to German merchants, securing \$500,000 at 35 per cent. A month later he gave \$300,000 of bonds for \$175,000 and rumors were current that the loans from the Germans would amount to \$2,000,000.

Such transactions and rumors of transactions naturally gave birth to the rumor that Germany was to get a coaling station at Mole St. Nicholas and control of the customs. Creditors, concessionaires and traders were becoming more and more vociferous in their demands for external control. The American press gave voice to the demand for American control similar to that exercised in Santo Domingo. As the claims of France and Germany exceeded those of the United States they took the position that the financial protectorate should be international. In fact, Germany, not satisfied with her earlier tests of the Monroe Doctrine in Venezuela (1902) and Santo Domingo (1904), seemed determined to make the test thorough this time and only wanted the other European powers to leave her a free hand. In July, 1914, she sent a note to the

United States saying that, although our policy was opposed to European participation in the control of Haitian customs, nevertheless she must give heed to public opinion in Germany, consequently she must serve notice that American control would not be acceptable. She would accept joint control.

A part of the ground for the German demand is found in the fact that Germans controlled 90 per cent of the foreign trade of Haiti, nearly all of which was carried by the Hamburg-American line.<sup>3</sup> Knowing that economic control often leads to political control and remembering her experience with joint control in Samoa the United States gave a reply that was sharp and to the point. Joint control of the customs, or of any part of the government, proceeding from outside the American hemisphere, she would not tolerate.

A few days later the Great War broke out in Europe. What would have happened but for this no one can tell. France repeated her request for participation in the control of the customs, but the United States was firm in its refusal of any joint arrangement.

When rumors became current that the United States was negotiating with Zamor for control of the customs the Haitian Senate condemned any such treaty. By November Zamor became a fugitive, Theodore taking his place. Being in financial straits Theodore planned to get at \$500,000 in gold which had been deposited in the National Bank of Haiti as a reserve for the proposed monetary reform under the convention of 1910, but plans were known to the bank officials and the New York office persuaded the United States to help and the *Machias* was sent for the money. Before the ship arrived Theodore called for the money. The

<sup>3</sup> McCormick Hearings, 110.

French director became frightened and was disposed to yield, but his American assistant stood firm while the Frenchman fled to his legation. At this juncture the *Machias* arrived and the marines carried the \$500,000 on board. It was carried to New York and kept on deposit there for four years at 2 per cent interest.<sup>4</sup> Theodore protested and, when his protest was not heeded, closed up the National Bank and started another, to which was entrusted the collection of the revenue. The bank officials now protested and were supported by the United States. Failing to get the \$500,000 Theodore proceeded to issue (January, 1915) a lot of new obligations to a German firm in spite of warnings to him and to the French and German ambassadors in Washington that the United States would not regard the issue as legal.

President Wilson now sent down ex-Governor Fort, of New Jersey, as a commissioner to persuade Haiti to propose the turning over of her customs, as had been done in Santo Domingo. This Theodore refused, but he was unable to hold out. Harassed within and without he gave up and fled to a Dutch warship and Guillaume Sam took his place (March, 1915).

President Wilson now tried the persuasive power of Mr. Paul Fuller. His proposal was that the United States should protect Haiti against all foreign attacks and should furnish all the forces necessary to suppress insurrection. In return Haiti was to agree not to sell or lease Mole St. Nicholas to any foreign power or to foreign nationals and to arbitrate the foreign claims. Pressure was now brought to bear by American bankers, who refused to extend credit to Haiti

<sup>4</sup> Kelsey in *Annals of The Academy*, C, 159.



unless guaranteed the prompt payment of interest. Counting on the support of German and French creditors President Sam for a time resisted all persuasion and pressure, but finally accepted some of the terms. The landing of troops to suppress insurrection he agreed to only on condition that they should be withdrawn "at the first request of constituted authority." He also agreed that the United States should help in accomplishing financial reforms.

Mr. Fuller left June 5 and ten days later French marines were landed at Cape Haitien to protect life and property from a revolutionary army. Admiral Caperton was now ordered to Haitian waters and when he arrived the French marines were withdrawn. He now tried to enforce the Marquis of Queensbury Rules for the belligerents and told them that there must be no fighting within the city. July 3 he began the landing of marines, although he could not point out a single case where a foreign life had been taken or any foreign property damaged. Finding that his cause was hopeless President Sam ordered the killing of about 150 innocent prisoners whom he had seized as hostages and took refuge in the French legation. The infuriated populace now (July 28) dragged him from the legation, cut off his head and arms and dragged his mutilated body about the streets, whereupon Admiral Caperton landed more marines from the *Washington* and took possession of the fort dominating Port-au-Prince, though not without resistance which caused bloodshed on both sides. Congress was then informed that it would be allowed to elect a President. The local committee of safety and Admiral Caperton approved J. M. Leger, formerly minister to the United States, whom Lord Pauncefote had described as "the

most accomplished diplomat" he had ever known, and tried to get him to accept the Presidency, but he refused, saying that he was for Haiti and not for the United States and must watch and see what the United States would demand of Haiti. Two others declined, whereupon Congress elected General Dartiguenave—all Haitian Presidents are generals—who, Admiral Caperton had learned, was favorably disposed toward the American demands.<sup>5</sup>

August 17 the American chargé d'affaires, Davis, handed the new President the draft of a treaty for American control. Not having sufficient forces to seize all the customs houses Admiral Caperton reported to Washington that it was "extremely important" to keep the proposed seizure a secret "pending the treaty negotiations." However, the seizure began at Cape Haitien August 21 and the receipts at Port-au-Prince were taken over September 2. Violent opposition now developed, both in and out of Congress, that in Congress being ascribed by Caperton to fear of the cacos (bandits), whereupon further seizures halted. September 16 Dartiguenave finally signed the treaty (Fort and Fuller had had no marines) and further opposition was put down with the help of martial law and a few marines.

This so-called treaty carries the United States to about the farthest limit in power and responsibility short of actual annexation. The preamble, which speaks of the desire of the United States and Haiti "to confirm and strengthen the amity existing between them by the most cordial coöperation in measures for their common advantage," must have sounded ironical to the Haitians.

<sup>5</sup> McCormick Hearings, 297-320.

The treaty provides that the United States shall, "by its good offices, aid the Haitian Government in the proper and efficient development of its agricultural, mineral and commercial resources and in the establishment of the finances of Haiti on a firm and solid basis." In furtherance of this benevolence it provides for a receivership of customs similar to that in Santo Domingo; the appointment of a financial adviser, nominated by the President of the United States, to effect a settlement of the foreign debt and to recommend improved methods of collecting and applying the revenue; the application of the revenue to the payment of salaries of officials of the protectorate (not over 5 per cent), the interest and principal of the public debt, and the maintenance of a constabulary officered by Americans appointed on nomination by the President of the United States; that the debt of Haiti shall not be increased, nor the customs duties reduced, without the previous agreement of the President of the United States; that the officials shall coöperate to carry out the suggestions of the financial adviser; that Haiti shall not surrender any of its territory by sale, lease or otherwise to any foreign power; for the arbitration of all claims against Haiti; that Haiti shall follow the advice of engineers nominated by the President of the United States for the development of its natural resources and the improvement of sanitation; that the High Contracting Parties shall have authority to take such steps as may be necessary to assure the complete attainment of any of the objects comprehended in this treaty; that the treaty shall remain in effect ten years and that it may be extended another ten years if, "for specific reasons presented by either of the High Contracting Parties, the purpose of

this treaty has not been accomplished by the end of that period.”<sup>6</sup>

Considerable opposition to the treaty developed in Haiti, but the Haitian Senate was informed by Admiral Caperton that the United States would retain possession, whether the treaty was ratified or not.<sup>7</sup> Threats of dissolution, the sending of a warship after an absent member, the withholding of salaries, and the promise to employ as many Haitians as possible in the government of occupation brought about ratification.<sup>8</sup> The United States Senate ratified in February and the treaty was proclaimed May 3, 1916.

The reasons given by Mr. Lansing, secretary of state, in justification of the occupation were the critical political and financial condition of the island and the danger of seizure by Germany. In his testimony before the McCormick Committee (May 6, 1922) he emphasized the activity of Germany in that region in 1913-14, mentioning in particular the note from Germany in regard to the customs receivership. It is hard to see what this had to do with our seizure in 1915, when the German fleet was bottled up except for a few raiders which were being hunted over the seven seas, unless the State Department, like a good many other people, then believed that Germany would win the war and that she must be forestalled in Haiti. Later in a private letter<sup>9</sup> he said that a powerful motive for occupation was the fear that German sympathizers would secure Mole St. Nicholas and allow the German raiders and submarines to make this a station for their operations. To keep “these lawless craft”

<sup>6</sup> *Amer. Jour. Inter. Law*, 10, Supplement, 234-8.

<sup>7</sup> McCormick Hearings, 207; *Annals of the Academy*, C, 144-154.

<sup>8</sup> *Nation*, 113:738.

<sup>9</sup> Nov. 22, 1922,

[submarines] from making Haiti a base for supplies it was necessary for a stronger power than Haiti to "obtain possession of any possible coaling stations in the island."

As in Santo Domingo affairs in Haiti attracted little attention in the United States for some time. However, things were happening there. The McCormick investigating committee mentioned in connection with Santo Domingo was appointed primarily to investigate the charges coming out of Haiti. It took some time to bring about the order for investigation, as the following facts will show.

As early as the latter part of 1918 complaints began to be lodged with the government at Washington. An effort was made to reach the President directly, but he insisted that the complaint should come through the Department of State. November 2, 1918, the department acknowledged receipt of a memorandum from Mr. L. Ton Evans, a native of Wales naturalized in the United States, who had spent many years in Haiti as a missionary, said that the memorandum was receiving "the serious considerations of this department as well as of the various other branches of the government concerned" and that the department would be "pleased to communicate" with the sender "at a later date after the careful study of the matters" contained in the memorandum was terminated.<sup>10</sup> The later date never came. Possibly that was because the Armistice came nine days later and the department was too busy with the self-determination of small nations in Europe. A note was also presented to Senator Hitchcock, chairman of the committee on foreign relations.

<sup>10</sup> McCormick Hearings, 135.



Mr. Evans immediately returned to Haiti and on his arrival showed the memorandum to the commanding officer. A few days later he was arrested in his study, his papers were taken from him, and he was confined thirteen days in a narrow cell. He was taken before a negro judge who, in terror of the white captain, convicted him of rebellion and attempting to escape, but he was ordered released by a higher court. Later Mr. Evans returned to the United States and made repeated but unavailing efforts to get an impartial investigation by a non-partisan, non-naval board, though he did suggest that the navy should be represented on the board by Admiral Caperton. In January, 1920, the attack on Port-au-Prince by a lot of "bandits," many of whom were killed, helped some to call attention to the situation. In May the black University Conference on Mexico and the Caribbean began an attack upon the policy of the administration. Seeing good campaign material in the Haitian situation Senator Harding took it up and denounced the slaughter of Haitians by marines. Finally Secretary Daniels decided that something must be done and directed General George Barnett to make out a report for the period when he was in command of the marines in Haiti, July 31, 1915, to June 30, 1920. Without waiting for this report he denounced the charges as "cheap" and defended the marines. General Barnett's report was soon in hand and showed that 2250 Haitians had been killed, most of them in battle, but some of them without justification. Three days later Secretary Daniels ordered an investigation by a naval board of inquiry. While this board, presided over by Rear Admiral Mayo, who had seen service in Haiti, did not give the marines an absolutely clean bill of health, it gave

them a reasonably good coat of whitewash, as everybody expected.

Slowly Congress began to rub its eyes. Representative Bland introduced a resolution for an investigation (December 6) and later (February 3, 1921) Senator Johnson did the same, but the Presidential campaign was now over and a few more shocks were necessary to bring results. In May three delegates who had come from Haiti presented a memorial to President Harding charging a series of atrocities to the marines, giving names, dates, and places and demanding the abrogation of the treaty of 1916 and the gradual withdrawal of the marines.<sup>11</sup> Mr. Denby, secretary of the navy, who had spent one day in Port-au-Prince and talked with the officers of occupation, denounced these charges as the "same old rot."<sup>12</sup> To prevent infection from this "rot" he directed Colonel John H. Russell, commanding the marines in Haiti, to issue a proclamation forbidding articles or speeches of an "incendiary nature" or such as "reflect adversely upon the American forces in Haiti," or "tend to stir up agitation against United States officials who are aiding and supporting the constitutional government of Haiti," or articles or speeches "attacking the President of Haiti or the Haitian Government."<sup>13</sup> Officers were notified that they would be tried by military tribunals. This action was taken on the suggestion of Colonel Russell, who had secured for it the approval of President Dartiguenave.

Shortly after this H. Lipschitz, a naturalized citizen of the United States who had become a land speculator

<sup>11</sup> N.Y. *Times*, May 9, 1921, 17:1.

<sup>12</sup> *Ibid.*, May 10, 1921, 3:2.

<sup>13</sup> *Ibid.*, June 14, 1921, 17:1.

in Haiti, was murdered. He had made charges against the marines and the gendarmerie and had been deported, but allowed to return. Colonel Russell gave evidence to show that there was no political significance in the murder,<sup>14</sup> but it does not seem ever to have been cleared up.

Soon after this Senator McCormick introduced a resolution for an investigation by a Senate committee and this was adopted. This somewhat detailed statement of the events leading up to the appointment of the Senate committee has been given in order to show the difficulties of getting officials to investigate themselves, much less to allow an investigation by outsiders, and correct crying evils. A somewhat similar story applied to the Philippines in the early years of occupation.

The definite charges laid before the McCormick Committee were:

The forcing of a new constitution.

Driving out the members of Congress (twice) and locking the doors because they opposed the new constitution.

The Corvée.

Atrocities committed by the gendarmerie and the Marines.

Prison conditions.

Martial law.

Restrictions on the press.

The change in the constitution was among the first in point of time and proved a source of considerable irritation. The pretext for this was to bring the constitution into harmony with the treaty. (No effort was ever made to amend the Constitution of the

<sup>14</sup> N.Y. *Times*, June 15, 1921, 1:6.

United States to bring it into harmony with the covenant of the League of Nations.) The first steps to this end were taken in April, 1916, before the treaty had ever been proclaimed, though it had been ratified. By a decree of President Dartiguenave Congress was dissolved, the members of the chamber of deputies were requested to sit as a constituent assembly to help revise the constitution, and a council of state was created to take the place of Congress in making laws.

It will be recalled that the treaty had provided that the United States should "by its good offices, aid the Haitian Government in the proper and efficient development of its agricultural, mineral,<sup>15</sup> and commercial resources." Now the old Haitian constitution (1889) contained a clause restricting ownership of land to native-born Haitians and the government of occupation found this a serious handicap to the carrying out of the provision of the treaty just quoted. Individuals had often evaded the law by marrying native women, but corporations could not do this.<sup>16</sup> This must be changed and a commission was sent to Washington to find out just what changes were necessary and incidentally to secure a loan of \$1,500,000.<sup>17</sup>

But the members of Congress, who were well disposed toward the United States, resented this high-handed procedure and insisted on the revocation of the decrees. When locked out of their chambers they rented a house and organized as a constituent assembly, whereupon they were informed that there should be no more meetings until an agreement was reached.

<sup>15</sup> A few weeks before this the Pearson Syndicate had been prevented from securing exclusive mining and petroleum rights in Haiti.

<sup>16</sup> McCormick Hearings, 420.

<sup>17</sup> *Nation*, 113:738.

Though the decrees had been signed by Dartiguenave as President they were, of course, issued under pressure of the occupying forces, then commanded by Admiral Caperton. He now informed the senators and delegates that he would support the "recognized and established Government," that is, Dartiguenave,<sup>18</sup> but even then the assembly did not readily submit. It revised the draft of a constitution sent down from Washington, cutting out the paragraph giving foreigners the right to own land (June, 1917). To prevent the adoption of this revision the assembly was dissolved and the members driven out by the marines.<sup>19</sup> Some of the members and others now organized the Patriotic Union of Haiti to work for independence.

For some reason the proposed amendment to the constitution was not put through at that time. But, after the United States entered the Great War the land-grabbers became restless and insisted on a change. Possibly there was no connection whatever between this agitation and the making of the change, but one of the agitators was acting for a corporation concerned in supplying the United States airplane fleet with castor oil and another was concerned in sugar.<sup>20</sup> This agitation was particularly noticeable in the early part of 1918. June 12, 1918, the revised constitution, containing a clause providing that foreigners and foreign associations might own land, was submitted to popular vote. In summoning the people to vote the lieutenant of the gendarmerie at Port-au-Prince informed them

<sup>18</sup> McCormick Hearings, 420-1.

<sup>19</sup> The accounts of this event as given by General E. K. Cole and General S. D. Butler, the chief participants, differ somewhat, but the former, the superior officer, takes the whole responsibility. McCormick Hearings, 536-7, 695-703.

<sup>20</sup> McCormick Hearings, 189.



that "abstention from such a solemn occasion" would be "considered an unpatriotic—that is, anti-American occupation—act." As the voters filed in each was handed a white ballot on which was printed the French word "oui" (yes), on the table was a untied bundle of "non" papers. The result was 63,000 for, about 200 or 300 against. It was suggested in Haiti that the negative votes had been put in by the marines just to keep it from being unanimous. Figured on the basis of population (2,500,000) the possible vote was at least 400,000.<sup>21</sup> Was this large abstention an "unpatriotic" act?

Concerning the *corvée*, or forced labor on the roads, there is little difference of opinion that it was a mistake and that it was abused. The commanding officers themselves admit this. After the pacification of 1915 the country was comparatively quiet until the *corvée* was revived in 1917 to build roads to facilitate the military operations in suppressing banditry. The people were glad to have roads and at first coöperated, but when they were manacled and driven like slaves far from home and compelled to work for weeks for little or no pay and little food trouble began. The worst abuses were due to the *gendarmerie*, who were put in charge of this work. When high-minded Americans were directly in charge—some Americans in charge were not high-minded—they had no trouble.<sup>22</sup> In one case 800 men volunteered to follow the captains to another section of the road. In 1918 General Barnett called the attention of the authorities at Washington to the abuses of the system and an order was issued (October) for its discontinuance. In spite of this it

<sup>21</sup> McCormick Hearings, 187-93.

<sup>22</sup> Kelsey in *Annals of the Academy*, C, 137.

continued here and there for a year until, acting under peremptory orders from General Barnett, Colonel John H. Russell ordered its final and complete abolition.<sup>23</sup>

The charge of atrocities seems to have had a considerable basis of fact. The gendarmerie consisted of natives in the rank and file officered by Americans, as provided in the treaty. As time went on a few Haitians were commissioned. The native Haitian is said to represent a strange mixture of kindness and brutality. The gendarme delighted to exercise his authority and often did it in a brutal manner toward his own people, especially in carrying out the *corvée*, or when he thought that such conduct would please a white officer. Evidently the people dreaded to see the white officers replaced by their own people.

The charges against the marines related mainly to drunkenness and the disorders which naturally follow, sexual assaults, third degree methods in securing evidence, and indiscriminate killings. The first was very common and strict orders were issued against the sale of intoxicants to soldiers, but they were often violated. The cases of sexual assaults do not appear to have been more common than at other times and places under like conditions. Some offenders were severely punished. Third degree methods were used, but that was nothing new in American experience.

When, in 1920, charges were made of numerous killings of prisoners and others it was brought out that General Barnett had reported to Colonel Russell, commanding at Port-au-Prince, evidence that practically "indiscriminate killings of natives" had been going on some time and called on him to investigate and bring every guilty man to justice. The naval board of in-

<sup>23</sup> Report Sec. Navy, 1920, 184, 238. McCormick Hearings, 429.

quiry appointed by Secretary Daniels, headed by Admiral Mayo, reported that they found two killings for which an insane officer was responsible and sixteen other "isolated acts of individuals" and that in every case of the sixteen the offenders had been court-martialed and sentenced.<sup>24</sup> This number, spread out over more than five years, they did not think justified the charge of indiscriminate killings. It may be added here that a good many people believe that there is sufficient evidence to prove other cases not in the records, for example when an officer shot five men who feared or refused to tell where cacos ("bandits") were to be found and reported that 150 bandits attacked him, five of whom he killed.<sup>25</sup> But some of the alleged atrocities probably grew out of the stories of braggart captains who loved to boast of their exploits. Besides a few killed outright, prisoners had been badly treated, in some cases beaten and burned with hot irons. The charge of the Patriotic Union of the "ghastly mortality in prisons"—5475 in three years at one camp—was not sustained.<sup>26</sup> Perhaps such things are inevitable when an advanced race is dealing in this way with a backward people. The question is, are such dealings necessary?

As one would naturally expect, the atrocities excited reprisals. At least a few marines suffered death and mutilation when helpless to defend themselves.<sup>27</sup>

Little needs to be said of martial law and censorship. One who has been used to the dilatory procedure of the civil courts does not like to be haled before the

<sup>24</sup> McCormick Hearings, 435.

<sup>25</sup> Kelsey in *Annals of the Academy*, C, 143.

<sup>26</sup> N.Y. *Times*, May 9, 1921, 17:1; Kelsey in *Annals of the Academy*, C, 140.

<sup>27</sup> N.Y. *Times*, March 13, 1922, p. 6.

provost court. In a few cases it seems that these courts were unnecessarily severe if not absolutely unjust, particularly in dealing with offenders against the censorship of the press.<sup>28</sup> For example the publisher of the *Courier Haitian* was fined \$300 and sentenced to hard labor for six months, ostensibly for having reported that a Haitian lieutenant of the gendarmerie, accused of beating a man, had been forced by his victim to appear before a tribunal for trial. Some thought that the real reason was that the paper was an indomitable foe to the American occupation.<sup>29</sup> However, freedom of the press was unknown before the military occupation and any editor who criticized the government was likely to find himself in trouble. The most serious grievance against Colonel Russell seems to have been that he arrested a few editors and suppressed their papers. When the restrictions on the press were removed in 1921 there followed a regular campaign of vilification and abuse. It was useless too for the government to resort to the courts, which opposed the occupation, hence Colonel Russell issued the order of May 26, 1921, referred to above, forbidding attacks on the government.

Near the close of 1921 the Senate Committee, after consultation with Secretaries Hughes and Denby, issued a preliminary report saying that there could be no abrogation of the treaty or withdrawal of the marines at that time. The charges which they had investigated related only to half a dozen officers and to conditions two years or more ago. Peace and order had been established everywhere, sanitary work had cleaned up the once filthy coast towns, and road build-

<sup>28</sup> *Nation*, 114:8.

<sup>29</sup> *Times Current Hist. Mag.*, XVI, 338.

ing and other public works were under way. The greatest trouble had been lack of policy and coördination. This should be remedied by the appointment of a High Commission, with the powers of an envoy extraordinary, to whom all American officials, civil and military, should look for guidance and direction. The duties of financial adviser and receiver general should be performed by one man and a loan should be negotiated at once to pay off European creditors and settle the claims of Haitians.<sup>30</sup>

The character of the civil and financial administration did not come within the scope of the investigation by the Senate Committee, and they had practically nothing to say about it except the recommendation noted above. The receivership general, under Mr. A. J. Maumus, seems to have been conducted efficiently and with satisfaction to all concerned, except for some hardships which arise from the old law which the receiver general has sought in vain to have changed. The treaty allows 5 per cent of the customs to pay the expenses of the receivership, but it has managed to get along on 3.4 per cent. The revenues of 1919-20 were nearly double those of 1914-15 (\$3,311,548), but the latter was a particularly bad year. The increase over the years just before 1914 was about 25 per cent.

The position of financial adviser is one of great importance. If it is the policy of the United States to get Haiti out of debt and able to stand alone, the accomplishment of this will depend largely upon the financial adviser. The first adviser was Mr. A. T. Ruan, who resigned a consulship paying about \$2000 for the more lucrative position of receiver general with a salary of \$6000 and an allowance of \$15 a day for ex-

<sup>30</sup> N.Y. *Times*, Dec. 26, 1921, 15:8.



penses. He served from August, 1916, to January, 1919, when he was transferred to Panama. He was succeeded by Mr. John A. McIlhenny, who was absent from Haiti nearly a year while drawing his salary and per diem. Admiral Knapp thinks that they have accomplished some good things but admits that their success has not been brilliant. The explanation he finds in the "affectations" placed upon the revenue (assignment of per cents to certain specific purposes) and their inability to float a loan in competition with the great nations and developing industries. The fact that six years were allowed to pass without so much as determining the validity of the internal debt, one of the reasons given in the treaty for his appointment, certainly did not make a good impression upon the holders of these claims. Possibly the adviser was waiting for the financial skies to clear up for a loan."

The outstanding debt dates from 1875, when bonds amounting to 19,252,800 francs were issued to take up debts dating back to the time of recognition by France (1825). Two other foreign loans had been negotiated (1896, 1910), bringing the total up to \$28-233,500 face value, or \$9,477,400 at the price of the franc (12.5 per \$1.00) in 1921. All these were secured by pledges on the revenue. The internal loans (1912-14) amounted at the close of 1920 to \$7,891,177 plus \$1,380,712 unpaid interest. All these loans bore a reasonable rate of interest, but some of them had been sold at such heavy discounts (over 40 per cent) as to make the interest ruinous. A considerable amount of paper money had been issued but the National Bank of Haiti had on deposit \$500,000 of government gold. In addition there were many claims

\* Report Sec. Navy, 1926, 236-4; Kelsey in *Annals* C. 145.

against the government for damages due to revolutions. Still another obligation was the guarantee to the National Railroad of Haiti to make up certain deficits which in 1919 amounted to \$1,050,000, and to the Central Railroad of Haiti for 6 per cent interest on \$688,000 since 1915.

The revenues, which rose to \$6,795,820 in 1920, but fell to \$3,966,275 in 1922, have averaged about \$4,776,476 over six years, are already pledged to the extent of \$3,500,000, leaving only \$1,250,000 to support the government, and carry on public works. Economy or a better system of revenue is needed. Loans are proposed.

The first loan under the American occupation (1915), \$1,111,384, was to pay salaries, pensions, and other floating debts. In 1917 an attempt was made to float a loan of \$30,000,000, but this failed, partly because of certain suggestions of the French government. Early in 1922 the financial adviser, having come to the United States, began working for a loan. Senator King, who was a member of the Senate Committee, but did not always attend its sessions, now offered three resolutions in the Senate, one demanding withdrawal, another asking the Navy Department for the cost of the naval occupation, and a third opposing the loan. Dr. Pierre Hudicourt, Haiti's representative at the second Hague Conference, and member of the Permanent Court of Arbitration, told the Senate Committee that the Haitian people would repudiate the loan, if given a few minutes of liberty. It was offered on such terms that the Haitians would get only \$12,880,000 for \$14,000,000 of bonds and of this the railroad interests would get \$1,621,500 to pay for railroads for which they had never bargained. Of the rest

\$6,668,980 would go to the French creditors and \$965,000 to pay arrears of interest on the debt, leaving only \$1,504,800 for roads and irrigation to benefit American land grabbers.<sup>32</sup> The sums given do not total \$12,880,000, but they illustrate the feeling of a prominent Haitian.

Undeterred by such opposition Mr. McIlhenny continued his negotiations and soon reported, no doubt to the surprise of the National City Bank, that a Boston firm had made the best offer. However, the loan was held up pending a report from Colonel Russell.<sup>33</sup>

August 28, 1920, Senator Harding, speaking from a front porch at Marion, Ohio, said that, if elected President, he would never empower anybody to "draw up a constitution for helpless neighbors in the West Indies and jam it down their throats at the point of bayonets borne by United States marines." Neither would he "misuse the power of the Executive to cover with a veil of secrecy repeated acts of unwarranted interference in the domestic affairs of the little republics of the Western Hemisphere, such as in the last few years have not only made enemies of those who should be our friends, but have rightfully discredited our country as their trusted neighbor."<sup>34</sup>

Following the advice of the Senate Committee to appoint a High Commissioner he now (1922) named Colonel John H. Russell, formerly commandant of the marines at Port-au-Prince, to return to Haiti under that title with the powers of an envoy extraordinary, without the advice and consent of the Senate, but when that body adopted a resolution offered by Senator

<sup>32</sup> N.Y. *Times*, Feb. 3, 1922, 20:2.

<sup>33</sup> *Ibid.*, March 17, 1922, 32:5.

<sup>34</sup> *Ibid.*, March 8, 1922, 14:6.

Walsh asking for the instructions given to Colonel Russell President Harding declined to lift the veil of secrecy as "incompatible with the public interest."<sup>35</sup>

A few weeks later the Foreign Policy Association of New York and the Popular Government League filed with Secretary Hughes protests against the Haitian policy and a demand for withdrawal. The former said in part:

The presence of our military forces in Haiti after the disturbances of July 27-28, 1915, had quieted down was violative of well-recognized American principles.

The seizure and withholding by our forces in 1915 of Haitian national funds was a violation of international law and of the repeated professions by responsible American Government officials of our position and attitude toward Latin-American republics and weaker Governments.

The imposition and enforcement of martial law without a declaration of war by our Congress and the conduct of offensive operations in Haiti by Admiral Caperton prior to the acceptance of the treaty by Haiti were equally clear violations of international law and of our own Constitution.

The methods employed by the United States in Haiti to force acceptance and ratification of the treaty framed by the United States, namely, the direct use of military, financial, and political pressure, violate every canon of fair and equal dealing between independent sovereign nations and of American professions of international good faith.

We declare, without qualification, that the honor and good name of the United States, the preservation of the sovereignty and the cherished liberty of Haiti and her right to fair dealing on the part of the United States, as well as the possibility of assuring the continuance in the future of honorable and amicable relations between our country and Latin America, based on trust and confidence, all require:

(a) The immediate abrogation by the United States of

<sup>35</sup> N.Y. *Times*, March 4, 1922, 3:5.

the treaty of 1915, unconditionally and without qualification.

(b) The holding of elections of representatives to the legislative bodies of Haiti and of a President by the free will of the people at an early day.

(c) The negotiation of a new treaty with a new Haitian administration for friendly co-operation between the United States and Haiti upon such terms as shall be mutually satisfactory to both countries and by the methods that obtain between free and independent sovereign states.<sup>36</sup>

This report was signed by twenty-four prominent lawyers as representatives of the Association, among them Louis Marshall and George W. Kirchwey of New York, Moorfield Storey of Boston, and Michael Francis Doyle of Philadelphia. After asserting that the only Americans in favor of the occupation were investment bankers and promoters, the Popular Government League added:

A careful reading discloses banking interests of New York and Boston desirous of forcing highly profitable loans upon the Governments of Haiti and Santo Domingo. It shows these banking interests and investment companies seizing the lands of Haitian and Santo Domingan people. In brief, it exhibits Haiti as a promised land of loot for those who can smash down the protection given to these people by their ancient constitution and independence. And all this is being done under the protection given to these people by their ancient constitution and independence. And all this is being done under the protection and in co-operation with the United States Government.

The testimony of Roger Farnham of the National City Bank of New York indicates the interests he represents have in view the seizing of lands that native Haitians held for over a century under squatter rights, without, therefore, the rights of legal title deeds, but immune, under the old constitution to foreign ownership. These interests urged

<sup>36</sup> N.Y. *Times*, April 28, 1922, 3:1.



a modern survey of the island by the occupation in order to establish definite title deeds, and it appears that thus far over 200,000 acres of valuable lands have already been grabbed.<sup>37</sup>

Among the names signed to this were those of Senator Robert L. Owen, Professor E. A. Ross, Louis F. Post, and Charles Edward Russell.

Having given Mr. Hughes time to read these documents representatives of the Association called (April 29) upon him for a discussion and answer. In representing their organizations Senator Owen and Mr. Marshall declared that the military occupation of Haiti was a violation of the Monroe Doctrine, of the Constitution and laws of the United States and subversive of freedom and liberty, justice and peace.<sup>38</sup>

Secretary Hughes listened attentively and said that he had read the protests carefully, but found them "inadequate and one-sided." They were mistaken in supposing that he had not studied the situation. On the contrary he was "intimately and directly" advised on conditions in Haiti and had had "the benefit of reports and informal communications from the Committee of Senators" who had "recently visited Haiti and who, regardless of party affiliation," had "concurred in the statements" which they had made regarding conditions in Haiti. He closed by stating that the aims of the government were to secure an effective coördination of the activities in Haiti so as to remove the difficulties encountered in the past and to promote the tranquillity and well-being of the people, and that it was desirous of ending the military occupation as soon as it could properly be ended.

<sup>37</sup> N.Y. *Times*, April 28, 1922, 3:2.

<sup>38</sup> *Ibid.*, April 30, 1922, 15:1.

This does not seem to have represented the views of Senator King, for he now offered an amendment to the naval appropriation bill forbidding the use of any of the money to maintain the marines in Haiti after December 31, 1922. This was defeated by a somewhat significant vote, 9 to 43.<sup>39</sup> One cannot forbear to ask why so many senators abstained from voting.

The next day the McCormick Committee, which had resumed its sessions in Washington and had heard numerous persons pro and con, gave out its second report. They now sought to justify the intervention on the ground that

. . . the chronic anarchy into which Haiti had fallen, the exhaustion of its credit, the threatened intervention of the German Government and the actual landing of the French naval forces, all imperiled the Monroe Doctrine and led the Government of the United States to take the successive steps set forth . . . to establish order in Haiti, to help institute a Government as nearly representative as might be, and to assure the collaboration of the Governments of the United States and Haiti for the future maintenance of peace and the development of the Haitian people.

The committee admitted that pressure had been exercised on the Haitian Assembly in the election of a President and to secure ratification of the convention of September, 1915, just as it had been used "to induce the incorporation of the Platt Amendment in the Cuban Constitution, thus to assure the tranquillity and prosperity of Cuba."<sup>40</sup> But in justification of the act the committee pointed to the results, the establishment of order and great improvement in political, financial, sanitary, and economic conditions. How-

<sup>39</sup> N.Y. *Times*, June 26, 1922, 12.

<sup>40</sup> *Ibid.*, June 27, 1922, 19:3.

ever, the committee was now willing to admit that the record was one of blunders as well as of achievements. It expressed its "chagrin at the improper or criminal conduct of some members of the Marine Corps" and of the gendarmerie, a few, but only a few, of the charges against which had been proved, but also condemned "biased or interested individuals and committees and propagandists" for seizing on a few isolated cases and attempting to discredit the whole naval force in Haiti. The "obvious duty of all patriotic Haitians" was to uphold their own government in effective coöperation with men of the United States under the treaty and so hasten the day when Haiti might "stand alone." The alternative was "the immediate withdrawal of the troops and the abandonment of the Haitian people to chronic revolution, anarchy, barbarism and ruin." The recommendation that "the great land holdings by foreign interests be restricted" is sufficient evidence of what was going on. The committee also recommended the flotation of the proposed loan and sending a commission "comprising a commercial adviser, an expert in tropical agriculture, and an educator of the standing and special experience of Doctor Moton."<sup>41</sup>

The administration then proceeded to carry out the recommendations of the committee regarding the loan and the National City Bank issued a circular offering \$16,000,000 series A 6 per cent bonds of the \$40,000,000 loan at 96.5 and indicated that another issue of \$5,000,000 would be offered later. It was announced that the funds derived from the loan would be employed in taking up the French loans and funding the floating debt, the residue to be used "for governmental pur-

<sup>41</sup> Sixty-seventh Cong., 2d sess., Sen. Rep. No. 794, 7, 9, 23, 24.

poses, including public works." The bonds are redeemable in installments and the loan contract provides that Haiti shall set aside an annuity to meet these demands, beginning with \$110,000 the first year and increasing yearly at the rate of \$5000.

This was a slight improvement over the previous offer, but, looked at from the purely financial point of view, it is easy to understand the Haitian opposition, for, while some of the French bonds drew only 5 per cent, these were to draw 6 and were offered at a discount, thereby increasing the amount to be paid. Had it been possible to redeem the French bonds at the prevailing rate of exchange on the franc, the transaction would have been highly profitable even at a higher rate, but to this the French would not consent. But it looked profitable to the National City Bank, for, after the redemption of the French bonds, there would be enough left to satisfy its claims on the Haitian Railway and for bonds which it is said by Senator Borah <sup>42</sup> to have bought at a very heavy discount.

Even Dartiguenave seems to have finally become weary of playing the rubber stamp for the military government and he wrote to Washington (June 10, 1921) suggesting that the articles of the constitution providing for the election of a regular government, including a legislative assembly (there had been no assembly since 1917), be carried out. At first (September 2) the Department of State left it to the discretion of the President to call an election and promised coöperation for an election "without pressure of any sort," but later (September 21) regretfully reached the "conclusion that if elections should occur without gov-

<sup>42</sup> *Cong. Rec.*, Vol. 62, Part 9, 8932 ff.

ernmental action, the result probably would be the establishment of a national legislature with largely anti-American sentiments" and indicated that the "Department would have no objection if the President of Haiti should once more refrain from convoking the electors of the national legislature, thus leaving it to the council of state to elect his successor." Once more the President did as he was told and the hand-picked council of state elected M. Louis Borno, a jurist and member of The Hague Permanent Court of Arbitration, for the term beginning May 15, 1922.<sup>43</sup>

To some observers, even in the United States, to say nothing of the man from Mars, it looks as if the occupation of Haiti was in violation of international law, of the Constitution of the United States, and of the Monroe Doctrine. In regard to the first it is sufficient to call attention to the law of non-intervention and to say that the fact that others were threatening intervention is not sufficient cause for us to go and do likewise.

When the framers of the Constitution empowered Congress to declare war they probably intended that the executive should not make war without such a declaration. Unless we draw a distinction between war and a state of war it seems that the Constitution of the United States was violated in the seizure of Haiti and the killing of 2500 Haitians, bandits though some of them may have been, when they attempted to drive our forces out.

Whether that new principle of self-determination for small nations was violated depends on the point of view. Possibly it was not, if we agree that Haiti is incapable of any sort of self-determination.

<sup>43</sup> *Nation*, 115:422; *Pan-American Union*, August, 1922, 207.



As for violation of the Monroe Doctrine, that, also, depends on the point of view. Monroe said that it was our policy to leave the Latin-American countries to themselves in the hope that other powers would do the same. The Senate Committee accepted Secretary Lansing's view that occupation was necessary in 1915 to keep Germany out. Possibly so just at that time as a precaution against a belligerent nation, but that was partly the fault of previous policy and does not justify the continuance of an indefinite occupation. The thing to do is to get out, tell other nations to stay out and notify foreigners, including Americans, who go there for the purpose of exploiting the country that they do so at their peril.

This may shock some, especially those in sympathy with the point of view of a noted educator who, in commenting on the beautiful picture drawn by the Senate Committee, wrote:

In the light of all the facts and in spite of acknowledged blunders, it would seem clear that the United States is under a moral mandate to assist in the rehabilitation of this unhappy republic and should not be diverted from its lofty mission by any base imputations against its original intervention or prolonged occupation.<sup>44</sup>

As for the "moral mandate," it is sufficient to ask, Who gave us the mandate? Whether this "unhappy republic" was any more unhappy in 1914 than it is to-day is at least open to question. As for rehabilitating, it will be time enough to do that when the Haitians feel the need of help and invite us to come in and assist in the establishment of orderly government.

<sup>44</sup> Philip Marshall Brown in *Amer. Jour. of International Law*, xvi, 610.

Some say that they never will be able to govern themselves until educated. Yet we have been there seven years and have done practically nothing for education, however much we may have done for it in Santo Domingo and for other things in Haiti. President Roosevelt did not find a short, much less a prolonged, occupation necessary to keep Germany and Great Britain out of Venezuela. However, in the case of Santo Domingo he seems to have thought that we must either see that she paid her debts or let others take charge. It is indeed a strange perversion of moral sense that directs us to see that weak Latin-American states pay their debts, but does not make us feel any obligation to see that certain states of the Union redeem their repudiated bonds.

After reading the story of American occupation in Santo Domingo and Haiti one feels inclined to exclaim, paraphrasing the words of Madame Roland, O Monroe Doctrine, what mistakes, not to say crimes, are committed in thy name!

## CHAPTER XIII

### DOLLAR DIPLOMACY—LEAVING CENTRAL AMERICA TO HERSELF

It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.—Monroe, 1823.

This Monroe doctrine has nothing to do with the commercial relations of any power, save that it in truth allows each of them to form such as it desires.—Roosevelt, 1901.

There is one peculiarity about the history of the Latin-American States which I am sure they are keenly aware of. You hear of "concessions" to foreign capitalists in Latin America. . . . States that are obliged, because their territory does not lie within the main field of modern enterprise and action, to grant concessions are in this condition, that foreign interests are apt to dominate their domestic affairs, a condition of affairs always dangerous and apt to become intolerable. What these States are going to see, therefore, is an emancipation from the subordination, which has been inevitable, to foreign enterprise and an assertion of the splendid character which, in spite of these difficulties, they have again and again been able to demonstrate.—President Wilson's Mobile Address, 1913.

The chief industries in the Caribbean region in which American capital has sought returns are the production and sale of sugar, coffee, cocoa, tobacco, and bananas; also in the building of railways. In Venezuela it has secured asphalt concessions and in Mexico and Colombia has looked after oil. Some of these con-

cessions have been secured directly or indirectly as a result of financing the government.

Three things have stood in the way of the rapid and steady development of industry in Central America. The first is lack of stable governments which will give protection to life and property; another is the lack of an efficient and reliable supply of labor; another is the lack of capital. Of home capital there is little, and foreign capital hesitates to enter where its exit with increase is not reasonably assured.

Some have declared that the examples of interference which follow were justified on the following grounds: (1) The Monroe Doctrine imposed on the United States the duty of compelling the small states of Latin America to meet their international obligations. (2) The United States should require the maintenance of stable governments in the Caribbean where the commercial interests of her citizens were greater than those of any other country. (3) Every precaution should be taken to protect the Panama Canal.

Of the Central American states Costa Rica has a greater proportion of white inhabitants than any other. It has been somewhat better governed, yet its finances have been in a bad way. Defaulting on its bonds in 1874 it later effected a readjustment by which the holders took new bonds for the old at fifty cents on the dollar, the interest being reduced from 7 per cent to 4 and 5 per cent. This transaction was arranged by Mr. Minor C. Keith, founder and president of the United Fruit Company, an American corporation engaged in the Caribbean trade. In 1895 and in 1901 the government again defaulted and Mr. Keith placed a new loan (1911) with American bankers. A few years ago he was said to hold one-half of the Costa

Rican bonds and the fruit company directed by him to control over 60 per cent of the active capital of the country. Over 50 per cent of the foreign trade of Costa Rica is with the United States and of this big business gets its share, both in exports and imports. In this case no appeal to the United States has been necessary. In a boundary dispute with Panama, Mr. C. E. Hughes, secretary of state, compelled her to yield (1921). Partly as a result of this trouble the debt was increased \$7,500,000, making the total \$45,000,000, or \$100 per capita.<sup>1</sup> Still Costa Rica manages to struggle along under this tremendous burden.

The general history of Salvador has been pretty much the same, though not as good. A militaristic policy has been forced upon it by the aggressive attitude of Guatemala, which is not satisfied with its coast line. It hoped for relief through the treaty of Washington (1907), but found none. It appealed to the United States for aid without results. Its bad financial history is largely due to this enforced militaristic policy. Here American capitalists have found their chief field of adventure in the railways.

For twenty-two years (1898-1920) Guatemala was ruled by the despot, Cabrera. He was generally supported by the United States because he furnished some security to capital. Troops were once landed there, ostensibly to protect Americans, in reality to prevent a revolution. Yet this state has had its financial troubles, involving capitalists of England, Germany, and the United States. In 1903-05 contracts were made with an American syndicate by which the holders of bonds were given the privilege of appealing to the United States for protection in case the contract

<sup>1</sup> *Times Current Hist. Mag.*, XV, 515.



was violated. In 1895, when the loan was made, the revenues from the coffee exports were pledged as security, but in 1899 Guatemala took these funds over for other uses. The British government demanded the restitution of these revenues and offered to submit the matter to arbitration, but Guatemala said there was nothing to arbitrate and remained obdurate.

It seems that at this time Guatemala was trying to negotiate a modified loan with J. and W. Seligman and Company, an American banking house, who were to take up the British bonds.<sup>1</sup> This was not particularly attractive to the British and they insisted on their rights. Mr. P. C. Knox, secretary of state, expressed his surprise at "the attitude of Great Britain in demanding one and only one solution of the difficulty, especially when the solution is one likely to block the development of a well-organized policy of the United States in a sphere in which this Government is pre-eminently interested." He gave facts and figures to prove that the new deal would be more advantageous to the bondholders and instructed the legation in London

... to give point to the attitude of this Government by the discreet suggestion that the British Government would doubtless be amazed if in some country correspondingly within a sphere of special British interest the Government of the United States should press arbitrarily for a specific solution of a question involving American citizens without any regard for the broad interests and policies of the State, in such a case Great Britain, in whose sphere of special interest the controversy had arisen.<sup>2</sup>

Lord Bryce had already said that that was a matter of private consideration which the English bondholders

<sup>1</sup>For. Rel., 1913, 537.

<sup>2</sup>Ibid., 1913, 380.

had not asked the government to take up. It had been asked to secure the restoration of the rights of the bondholders and would insist on that. Guatemala had agreed to turn over the revenues to the bankers, who were to appoint collectors, but when she insisted on having a voice in determining when a sufficient number of foreign bonds had been bought they refused and the deal fell through.<sup>4</sup> After this the United States could not very well resist the sending of a British warship to enforce its demands and this soon brought the desired results.

In April, 1920, Cabrera was overthrown by a revolution and sentenced to execution for murder in connection with bombarding Guatemala city. Cabrera's overthrow has been explained as partly due to his subservience to the United States, but he was declared mentally incompetent. In the course of the disturbance American marines were landed, but they do not seem to have taken any active part. C. Herrera was proclaimed President and later elected for the regular term. The revolutionary government was recognized in June by the United States and an appeal was made for clemency for Cabrera. But the new government did not last long, Herrera being arrested and imprisoned in December, 1921. Orellano, a follower of Cabrera, was now elected provisional President and Cabrera was set free.

Now Herrera had been favorable to the Central American Union and wished to develop a nationality as independent of foreign control as possible. On his overthrow Salvador and Honduras became uneasy, but Secretary Hughes urged them to keep the peace,<sup>5</sup> that

<sup>4</sup> For. Rel., 1913, 571.

<sup>5</sup> N.Y. Times, Dec. 24, 1921, 4:6.

is, let Orellano alone. They did so and he was elected constitutional President, was inaugurated as such February 22, 1922,<sup>6</sup> and was recognized soon afterwards by the United States. His relation to the Central American Union will be brought out at the close of the chapter. Before the end of the year Felipe Solares, the Guatemalan minister of finance, arrived in the United States to negotiate a loan of \$8,000,000 to be used in "stabilizing the exchange." He first went to Washington for a conference with Secretary Hughes, then to New York.<sup>7</sup>

In Honduras seven-eighths of the population is of pure Indian blood, there being only about 3000 of pure European blood. For years political turmoil was constant and the public funds manipulated for private profit. As a result the debt became stupendous, but a part of this was fraudulent. The government has not attempted outright repudiation, but has insisted that it should not be called on to pay face value when nothing like face value was ever received. After written negotiations with the bankers Honduras appealed to the United States and Secretary Root consulted an American financier (many of the bonds were in British hands) and he proposed a settlement on the basis of 15 per cent and the renunciation of interest amounting to four times the principal. New York bankers were to finance the loan and pay off the English bondholders. The proposition was conditioned on the assumption by the United States of a protectorate over Honduras similar to that over Santo Domingo. A treaty to this effect was submitted to the Senate (1911), but was rejected a year later by Honduras. Later another

<sup>6</sup> N.Y. *Times*, Feb. 23, 1922, 15:5.

<sup>7</sup> *Ibid.*, Sept. 12, 1922, 30:2.

group of American bankers advanced \$500,000 on pledge of the customs receipts at Puerto Cortés. The national railway was leased to an American but after four years the government declared the lease forfeited because he "illegally and unduly administered" it "for his own exclusive benefit."<sup>8</sup> The United States gets three-fourths of the foreign trade of Honduras, and this really keeps the country alive.

In area, 49,000 square miles, Nicaragua is the largest of the Central American states, being slightly larger than Louisiana or Cuba, and fourteen times as large as Porto Rico. However, her commerce is only about \$8,000,000 while that of Cuba is \$296,000,000, that of Porto Rico \$92,000,000. The population, 600,000, is predominantly Indian, only one-eighth being pure white. Like the other countries of this region it has suffered much from revolutions. For sixteen years she was terrorized by the despot Zelaya, son of a wealthy coffee planter, who had spent ten years in Europe and returned to exploit his country. But one of his concessionaires, an American mining company, became dissatisfied and, through an employee, Adolfo Diaz, is said to have financed a revolution against him to the extent of \$500,000.<sup>9</sup> The revolution was headed by Juan Estrada, governor of Bluefields, and the American consul there, T. C. Moffat, kept the State Department at Washington informed of its movements and probable success.<sup>10</sup> To gain moral support in America Estrada promised a reduction of the tariff and a very favorable policy in concessions.

While contending with this revolution Zelaya made

<sup>8</sup> For. Rel., 1913, 591.

<sup>9</sup> *Nation*, 114:646.

<sup>10</sup> For. Rel., 1909, 452 f.

the mistake of executing two Americans, Cannon, a planter, and Groce, a mining engineer, who had enlisted with the enemy and were charged with attempting to blow up one of his transports. This gave Secretary Knox occasion for breaking off diplomatic relations with Zelaya (December 1, 1909).<sup>11</sup> In further justification of the act he cited the fact that Zelaya had kept Central America in turmoil, that a majority of of the republics had appealed to the United States against him, and to this appeal was now added that of the revolutionists. He then virtually recognized Estrada by declaring his belief that he represented the Nicaraguan people more faithfully than the government at Managua.

The result was that Zelaya resigned and fled. But the regular government at Managua was not at once overthrown. Congress elected José Madriz President and he proceeded to bottle up the revolutionists in Bluefields. But an American warship,<sup>12</sup> the *Paducah*, was conveniently near and Commander Gilmer notified both sides that there must be no fighting in Bluefields. As the revolutionists were confined to the town this in effect was a notice to the government forces not to attack. A protest from President Madriz to President Taft was followed up by a circular letter to the other Latin-American countries asking their good offices at Washington in the hope that that government might be induced to leave Nicaragua free in the pacification of the country. The reply from Washington was that this was "only the customary step of prohibiting bombardment or fighting by either faction within the unfortified and ungarrisoned commercial city of Blue-

<sup>11</sup> For. Rel., 1909, 455.

<sup>12</sup> *Ibid.*, 1910, 745.



fields, thus protecting the preponderating American and other foreign interests, just as the British commander had done at Greytown, where there are large British interests."

The revolution was now reorganized under the leadership of Estrada and Diaz and, with the help of some American adventurers, their general, Chamorro, drove back the government forces and captured Managua. Madriz then resigned and Estrada took charge, applied for an American loan, and, as a means of winning the favor of the United States, offered to pay for the execution of Cannon and Groce.

At this juncture Thomas C. Dawson, United States minister at Panama, arrived with instructions to facilitate the establishment of constitutional government, to negotiate a loan with the new government secured by a mortgage on the customs and to demand indemnity for the families of Cannon and Groce, and the establishment of a claims commission. A conference was held with the revolutionary leaders and it was agreed that (1) a constitutional assembly should be called to elect a president and vice-president (Estrada and Diaz being agreed upon for the provisional term), to adopt a constitution abolishing monopolies and guaranteeing the rights of foreigners and to call a popular election for the next term; (2) a claims commission should be established; (3) the good offices of the United States should be solicited to secure a loan, which should be guaranteed by a pledge of the customs collected under a receivership; and (4) the leaders should designate a candidate to be elected for the next term and that Estrada should not be a candidate.<sup>13</sup>

The elections were held and the assembly promptly

<sup>13</sup> For. Rel., 1911, 652 f.

ratified the selection of Estrada and Diaz and the new government was recognized January 1, 1911. When the matter of the claims commission was taken up it was found that the Zelaya constitution required ratification by the assembly, which was at work on a new constitution guaranteeing Nicaraguan independence and safeguarding the making of loans and consequently could not be relied upon,<sup>14</sup> but small things like Central American constitutions are as nothing between friends. Congress was dissolved and a new election brought in an assembly which promptly ratified. Mr. Moffat now offered to resign as consul at \$2000 to accept a position on the commission at \$8000 and this Mr. Knox approved, but Mr. Moffat soon resigned to become consul general at Singapore.

But things were not running smoothly. The new minister to Nicaragua, Mr. Northcott, reported that an "overwhelming majority of Nicaraguans" were antagonistic to the United States and that even some members of Estrada's cabinet suspected our motives.<sup>15</sup> While on a drunk Estrada arrested Mena, his secretary of war, and then realizing what he had done resigned,<sup>16</sup> Diaz, formerly employee of the American Mining Company, becoming President. An organization to defeat the proposed loan was being perfected all over the country by the Liberals, whom Estrada had ousted, and whom Mr. Northcott reported to be much more numerous than the Conservatives (supporters of Diaz), consequently the minister asked that a warship be stationed at Corinto until the loan was put through. The *Yorktown* (significant name!) was sent down, and Mr.

<sup>14</sup> For. Rel., 1911, 627-8.

<sup>15</sup> *Ibid.*, 1911, 655.

<sup>16</sup> *Ibid.*, 1912, 660-1.

Northcott was instructed that Diaz should not be allowed to resign.

June 6, 1911, the Knox-Castrillo convention was signed. The preamble to this, which is as long as the treaty itself, recites the woes of Nicaragua and the benevolent intentions of the United States. In view of these facts Nicaragua agrees to negotiate a loan for the refunding of its debt, placing its finances on a stable basis, and for the "future development of the natural and economic resources of that country." The customs were pledged as security for the loan and Nicaragua agreed to appoint a collector general nominated by the President of the United States.

Closely associated with the treaty was a contract made by Nicaragua with two American Banking houses, Brown Brothers and Company, and J. and W. Seligman and Company, for a loan not to exceed \$15,000,000, the contract being conditioned on the ratification of the Knox-Castrillo convention.

In three different messages President Taft urged the ratification of this convention. In the first he laid particular emphasis on the Monroe Doctrine. This did not obligate us to protect an American republic from payment of its just foreign claims, but complications might arise from the attempt to collect such claims from which we could not escape. Continuing he said:

Hence it should be the policy of this Government, especially with respect to countries in geographical proximity to the Canal Zone, to give to them when requested all proper assistance, within the scope of our limitations, in the promotion of peace, in the development of their resources, and in a sound reorganization of their fiscal systems, thus, by contributing to the removal of conditions of turbulence and instability, enabling them by better established govern-

ments to take their rightful places among the law-abiding and progressive countries of the world. Better by far is this beneficial and constructive policy in the neighborhood of the Caribbean Sea, the Panama Canal and the Central American Republics, based as it is on the logic of our geographical position, the development of our commerce in the immediate neighborhood of our shores, our moral responsibilities due to a long-standing policy in the region mentioned, as well as, respecting Central America, arising from our relations to the Washington conventions, than it is with listless indifference to view unconcernedly the whole region in fomentations of turbulence, irresponsibly contracting debts that by their own exertions they would never be able to discharge, or to be required, as in several instances in the past, to land our armed forces for the protection of American citizens and their interests from violence, and for the enforcement of the humane provisions of international law for the observance of which in the region concerned this Government, whether rightfully or wrongfully, is held responsible by the world.<sup>17</sup>

While the letters of Secretary Knox frequently refer to the wish of the United States to help Nicaragua they no less clearly reveal his anxiety to place the loan. He wished to support Diaz and bring about a cessation of turmoil, but when Diaz became frightened and appealed for an alliance the chargé d'affaires, Mr. Gunther, was instructed that "ratification of the pending loan contract and the amendment of the decree establishing a claims commission are of first importance."

General Mena, secretary of war under Diaz, did not share these views. Although the Nicaraguan Assembly had approved the loan, they now elected Mena President for the term following that of Diaz, beginning January 1, 1913.<sup>18</sup> When the Dawson pact was

<sup>17</sup> For. Rel., 1912, 1073.

<sup>18</sup> *Ibid.*, 1912, 1078.

made Secretary Knox said that Article 4 related to internal politics, hence the United States was not a party to it. Now, however, the election of Mena was said to be in violation of that pact.

Nothing daunted by the failure of the Senate to ratify the treaty the bankers responded to the appeals of Diaz and proceeded to put it into effect. A loan of \$1,500,000 was advanced, a mortgage taken on the customs and Mr. C. D. Hamm, formerly surveyor of the port of Manila in the Philippines, was appointed collector general. Also, they proceeded to take over from the Ethelburga Syndicate, London, certain claims which that company was afraid to allow the English courts to pass on. This, also, was approved by the assembly.

Meantime Mena had not been idle, giving some attention to blocking the loan. Early in January the Assembly was won over and it proclaimed a constitution which was considered anti-American in no less than thirty-three items. Article 2, forbidding compacts or treaties contrary to the independence and sovereignty of Nicaragua, except for union with other Central American states, was not named, but must have been considered in this class. Objection was made in particular to paragraph 14 of Article 85, forbidding the alienation or leasing of the customs, and Article 170, confirming the election of Mena. The constitution was hurriedly proclaimed in spite of Diaz' opposition, as Chargé Gunther reported, in the "conviction that the United States would agree to Mena's election rather than risk the possibility of a disturbance which might imperil the Knox-Castrillo Convention in the Senate."<sup>19</sup>

<sup>19</sup> For. Rel., 1912, 995.



Six months had passed and, in spite of President Taft's three appeals, the Senate had not ratified the convention. In furtherance of this end Mr. Knox now sent to members of the Senate copies of a speech which he had delivered on the Monroe Doctrine. Starting with Hiero, King of Syracuse, to illustrate the obligations of a state to its neighbors, he developed the Monroe Doctrine from 1793 to the negotiation of the treaties with Honduras and Nicaragua and concluded that, "with the Monroe Doctrine as a tenet of our national faith," we could not "refuse these republics that measure of assistance which" would "render their governments stable and keep them from foreign interference." Still the Senate remained obdurate.

Diaz having lost control of the customs was in a hard way and appealed to the bankers for an additional loan or for privilege to use some of the customs.<sup>20</sup>

While this appeal was pending President Taft directed Mr. Knox to visit Central America. Early in March he arrived at Nicaragua and was welcomed by President Diaz in a very flattering speech.<sup>21</sup> In reply Mr. Knox reminded the Nicaraguan that the United States, acting under the Monroe Doctrine, had enabled Nicaragua to gain a strip of territory on the Atlantic. She had helped in the creation of the Central American Court of Justice and was now glad to help in the rehabilitation of Nicaragua. Dr. Ignacio Suarez, President of the Constitutional Assembly, made a carefully guarded speech at a session of the assembly held in honor of Mr. Knox. In this he showed that, not only had the Monroe Doctrine saved Latin

<sup>20</sup> For. Rel., 1912, 1094.

<sup>21</sup> *Ibid.*, pp. 112-1126.

America from European aggression, but also that high officials of the United States had repeatedly declared that the United States had no aggressive aims. On the matter of finance, he recited that Venezuela had once paid half of a claim for \$1,253,310.30 awarded against her by a mixed commission and then refused to pay more because of its fraudulent character. Her proof that the claim amounted to only \$80,000 was so incontrovertible that President Arthur and Congress finally provided for a rehearing before another commission.<sup>22</sup> In view of these facts all prejudice against the United States and all fear for Nicaraguan autonomy ought to be laid aside.

Shortly after this the negotiations for an additional loan were concluded. After having sent down two financial experts, Messrs. F. C. Harrison and Charles A. Conant, the bankers agreed to advance an additional \$775,000, secured by a mortgage on the entire capital stock of the National Bank of Nicaragua and an option on 51 per cent of the stock of the Pacific Railroad and the government steamers.<sup>23</sup> On the insistence of the claims commission Diaz was soon calling for \$900,000 of which \$600,000 was to be used to pay "gold debts" and \$200,000 to pay arrearages in salaries to employees who threatened "a strike that would be serious."<sup>24</sup> But the bankers were in no hurry now and referred Diaz to the National Bank of Nicaragua. In despair he offered an option on the remaining 49 per cent of the railroad at a valuation of \$1,000,000 in return for \$100,000 monthly for five months, but his offer came to nothing.

<sup>22</sup> Was he thinking of the Emery and Ethelburga claims?

<sup>23</sup> For. Rel., 1912, 1103.

<sup>24</sup> *Ibid.*, 1912, 1101.

At this point it may be worth while to sum up the debt of Nicaragua. It was divided into four classes as follows:

A. \$6,200,000 of Ethelburga Syndicate bonds contracted in London, 1909, at 75 bearing 5 per cent. Part of this was used to fund an earlier debt of \$2,500,000, the only recognized foreign debt at that time, part was brought to Nicaragua and wasted, and \$1,800,000 was kept by Ethelburga until it should be used for railroad construction, collecting interest on it all the time. Some claim that the American bankers bought out Ethelburga at a heavy discount. At any rate they took over the claim, and offered to allow cancellation at a discount, if redeemed in a short time. The \$1,800,000 was turned over to them and used to redeem 37,300,300 out of 48,000,000 pesos paper money, which they seem to have done at a considerable profit.

B. \$750,000 to Brown Brothers & Company and J. and W. Seligman & Company, the unpaid balance on their advances.

C. \$1,500,000 to miscellaneous creditors, for salaries, supplies, etc. This was said to be the most pressing in 1913.

D. Approximately \$3,000,000 in claims growing out of revolutions and bad government. The famous Emery claim, growing out of the forfeiture of a concession for cutting timber,<sup>25</sup> had been compromised by Zelaya shortly before his fall by the payment of \$600,000 to the United States.<sup>26</sup>

<sup>25</sup> While Emery does not seem to have had any hand in Zelaya's downfall, the incident recalls the overthrow of William Walker, filibuster President of Nicaragua (1857), by Commodore Vanderbilt, when Walker seized his boats for nonpayment of dues on franchise rights.

<sup>26</sup> For. Rel., 1909, 465.

The annual revenue from customs, the railroad, excises, and internal revenue amounted to \$3,555,000, the expenditures to \$3,000,000 when there was no revolution to suppress. Such a paper surplus, which was never realized, hardly made it possible to pay interest on the debt and set aside any sinking fund. The secretary of the treasury complained bitterly that the claims commission had only added to the expenses and accomplished nothing since there was no money to pay the 3000 claims allowed amounting to \$250,000. The receiver of customs and the financial agent also added to the expenses. The secretary also complained that the retirement of the paper money without substituting metallic currency had caused great depression and would reduce the customs, since the merchants could not import goods.

As Diaz continued his efforts to borrow from the American bankers, the wider became the breach between him and Mena. Finally (July 29) Diaz demanded his resignation, whereupon Mena retired from the capital, started a revolution and seized certain boats and a railroad owned by Americans. Minister Weitzel requested Diaz to give assurances that he could and would furnish adequate protection to American lives and property, but Diaz replied that he could not and requested the United States to protect its own citizens and to extend that protection to Nicaraguans. The mixed claims commission besought the United States to protect the records of the five thousand claims of Americans and others and similar requests came from the customs officers and the American colony in Nicaragua. August 11, in spite of all protests of the diplomatic corps, Mena began a bombardment of Nicaragua. Marines were now hurried

up from Panama and 350 joined the 100 bluejackets already there.<sup>27</sup>

This and the interception of Mena's supplies prevented further attack on Nicaragua. The President of Salvador now warned President Taft that the landing of more forces might bring on serious consequences and the students and workmen in Nicaragua held an anti-American mass meeting.<sup>28</sup> But no attention was paid to these protests, except that President Taft gave a courteous reply, and more marines were landed, even after Mena had surrendered. Mena surrendered to Major Butler, who, with the consent of President Diaz, sent him to Panama "never to return." In the course of the fighting two American citizens had been killed and two British subjects and one German murdered.

By November order was sufficiently restored for an election and Diaz was elected to succeed himself. Some time later the withdrawal of the marines—2600 had been landed—was begun, but 400 were kept for a legation guard.

The indifference of the bankers to making further loans was weakened to some extent when Diaz opened negotiations with an English firm. In particular they became anxious to secure the remaining 49 per cent of the railroad, but the assembly, fearing public sentiment, held out against this. Diaz declared that the road was worth more than the \$1,000,000 option and gave figures of revenue to prove it—an earning capacity of 10 per cent on \$3,000,000—but was in such dire financial need that he agreed to take it.<sup>29</sup> Some

<sup>27</sup> For. Rel., 1912, 1029-39.

<sup>28</sup> *Ibid.*, pp. 1042-46.

<sup>29</sup> *Ibid.*, 1913, 1038, 1052-4.



think that arrears in salaries of officials and members of the assembly had a decisive influence.

A considerable controversy developed between Diaz and the mixed commission, which called for \$400,000 to pay its awards. Even when reduced to \$100,000 Diaz and his secretary of state, Chamorro, could not see their way out.

The most hopeful solution of the financial tangle seemed to be the sale of a canal route. Negotiations for this began shortly after the suppression of the Mena revolt in 1912 and in February, 1913, President Taft submitted to the Senate a treaty by which we were to pay Nicaragua \$3,000,000 for the exclusive and perpetual right to construct a canal, and for naval bases on lands in the Caribbean and in the Gulf of Fonseca. The other Central American states and Colombia protested against this as violative of their rights. Costa Rica, Salvador, and Honduras protested against this as violative of their rights in the San Juan River, through which the canal was to run, and in the Gulf of Fonseca, and Colombia on the ground that the Corn Islands belonged to her. The right of Colombia to the islands was controverted but Costa Rica and Salvador produced evidence hard to combat. The former brought out a decision of President Cleveland (1888) as arbiter, in which he declared that Costa Rica had certain rights in the San Juan del Norte and that Nicaragua should not grant any canal rights across her territory without consulting Costa Rica.<sup>30</sup> However, little attention was paid to the protests and the Nicaraguan government ratified the treaty, but the United States Senate, having no bayonets under it, did not.

A change in administration brought little change

<sup>30</sup> For. Rel., 1912, 1022.

in policy. Early in 1914 President Wilson submitted to the Senate a treaty substantially the same as the second Taft treaty to which he had added the substance of the Platt Amendment, giving the United States a protectorate over Nicaragua. Again Nicaragua ratified unanimously. But uneasiness had been steadily growing in Central America over the American advance and this treaty was greeted with a storm of opposition from individuals and from groups in all the states including Nicaragua. Protests were filed with the United States from the other states. In the Senate committee hearings Mr. Walter Bundy Cole, manager of the National Bank of Nicaragua for the American bankers, was asked if the government of Nicaragua could be maintained without the aid of American marines. His reply was:

I think the present Government would last until the last coach of marines left Managua station, and I think President Diaz would be on the last coach.

The committee declined to advise ratification of this treaty.

A new draft (Bryan-Chamorro), practically the same as the above except for the omission of the Platt amendment protectorate features, was now submitted and ratified (1916). In the hope of satisfying the other Central American states the Senate added an amendment providing that nothing in the treaty should affect the existing rights of Salvador, Honduras, and Costa Rica. But Salvador and Costa Rica were not satisfied and brought suit against Nicaragua in the Central American Court on the ground that the treaty violated the treaty of 1907. Before the decision was rendered President Wilson suggested that we recognize their

rights and make similar treaties with other Central American states, paying them, but no such action was taken.<sup>31</sup> Four members of the court sustained the plaintiffs, but Nicaragua had refused to appear and defied the court.

The treaty of 1907, which provided for the Central American court, was to run ten years. In 1917 the leaders of the other states, convinced that union was the only way to block Yankee imperialism, tried to secure renewal of the treaty. Nicaragua, probably influenced by the presence of American marines, asked that Panama be included. This was refused, partly because Panama was a protectorate of the United States, partly because the constitution of Panama had no clause looking to union while the others did. Nicaragua remained firm and there was no conference, consequently the court died a natural death by expiration of the treaty.

In July, 1920, the United States announced that it had no preference among the candidates for President of Nicaragua. Encouraged by this Salvador invited the states to another conference September 15, to form a new constitution. Nicaragua hesitated, but finally all came in December and a new union was formed January 19, 1921, but Nicaragua refused to sign on account of rights and obligations under the Bryan-Chamorro treaty. She asked the others to ratify this treaty without the Senate amendment. They refused, saying that it ought to be abrogated. But finally they ratified with the Senate amendment. Article IV provided that all treaties with foreign powers should be binding on the states involved until

<sup>31</sup> *N. A. Review*, 204:174-8.

altered or abrogated. Nicaragua again refused to sign and withdrew from the conference.

Whether the result was due to the wish of the United States or not, Chamorro, joint negotiator with Bryan of the canal treaty of 1916, was elected president. Soon afterwards Nicaragua asked for terms of admission to the new union. (The confederation had been approved by Secretary Hughes.) September 10, 1921, the constitution of the Central American Union was proclaimed at Tegucigalpa and elections were called to select confederate officials, but only Honduras, Guatemala, and Salvador were included. February 1, 1922, was set as the date for the new government to go into operation.

But before this could be carried out President Herrera, who was favorable to the Union, was driven out of Guatemala. The provisional President, Orellano, did not assume an attitude of open hostility, but insisted that Guatemala's senators to the Federal Council should be elected by Cabrera's old assembly, which he had called together. As the Assembly under Herrera had already elected Senators, Honduras and Salvador insisted that they should serve.<sup>32</sup> However, in the hope of saving the Union they finally yielded, but the hostility of Orellano was so open—he hauled down the Union flag and announced the withdrawal of Guatemala—that the provisional council quit the capital, Tegucigalpa, and announced the dissolution<sup>33</sup> of the Union. So perished another Central American Union.

But this was not the end of efforts at union. Border revolutionary movements led President Chamorro to

<sup>32</sup> *Nation*, 114:743.

<sup>33</sup> *N.Y. Times*, Jan. 18, 1922, 8:3.

propose a conference. In a meeting on board the United States ship *Tacoma* representatives of Nicaragua, Honduras and Salvador drew up a convention in which each agreed to prevent political refugees from fomenting armed invasion and to capture and deliver up all attempting to disturb the peace. Guatemala and Costa Rica were invited to adhere to this agreement, but both declined, the latter stating that she did not wish to lend herself to entangling alliances, consequently the union fell through.

Perhaps a twinge of conscience was troubling the State Department because of its part in the destruction of the union of 1907, for it now invited all five of the states to send delegates to a conference at Washington, December 4, 1922, in the hope of renewing that union.<sup>34</sup>

The conference met on scheduled time and Secretary Hughes headed the American delegation. In his address of welcome Mr. Hughes assured the delegates that we had no ambitious designs on their country. Our only design was to help them realize "an abiding peace and constantly increasing prosperity." In response to this address Don Alberto Ucles, of Honduras, pleaded for union,<sup>35</sup> but the conference made little progress with it. At the end of two weeks the delegates voted against taking up at that time the proposed political union and adopted a motion calling for a study of the proposed systems of federation through the medium of a Central American commission to see which was the best. They further called

<sup>34</sup> *Times Current Hist. Mag.*, XVII, 171-2, 354.

<sup>35</sup> *N.Y. Times*, Dec. 5, 1922, 1:8. Possibly the delegates thought that, like Lady Macbeth, the Secretary "doth protest too much." As for prosperity, Mr. Minor Keith's United Fruit Company seems to have been prospering immensely.



for a conference to meet in 1926 and a convention to draw up a constitution. Meantime a sub-committee was appointed to draw up a plan for the peaceful settlement of disputes.<sup>36</sup>

When the conference finally adjourned (February 7, 1923) it reported twelve conventions, among them a general treaty of peace and amity, a convention for the establishment of an international Central American tribunal, another for an international commission of inquiry, and one for the limitation of armaments. In the first the signatories agree that the violent or illegal alteration of the constitution of any one of them is a menace to the peace of all and each promises not to recognize a government in another state resulting from a *coup d'état* or revolution against a recognized government. The international tribunal replaces the ill-fated court of 1907 and is to settle disputes not settled by diplomacy or other peaceful means. The arms convention is modeled on that of the Washington Conference and allows the states to keep troops ranging from 2000 for the smallest to 4500 for the largest.<sup>37</sup>

It is significant that about the time this conference adjourned the press announced that the way had been cleared for the construction of the Nicaragua canal by an agreement with Costa Rica on the question of boundary.

A word may be added here concerning the behavior of the marines in Nicaragua, about whose conduct in Haiti there was much complaint. In February, 1921, thirteen marines raided the office of the *Tribuna* in Managua and destroyed the presses in revenge for an article attacking their manners. Later twenty-one

<sup>36</sup> N.Y. *Times*, Dec. 14, 1922, 30:1.

<sup>37</sup> *Ibid.*, Feb. 8, 1923, 4:2-3.

were court-martialed and sentenced to five years, but this was reduced to two. In December a lot of marines clashed with the police, killing three at Managua and four at Diriamba. One American was killed while fleeing. Twenty were sentenced to hard labor for eight years, three for ten and three for twelve, and three corporals for twenty years. This seems to have been a particularly rough company and was now sent out of the country, to the great relief of the people.<sup>38</sup> In the hope of avoiding riots in the future the American minister asked the Nicaragua government for a place outside the capital to build a canteen, movie house, dance hall, and for drill and recreation grounds; also, the government was asked to designate certain saloons in town which the marines might visit.<sup>39</sup>

. . . . .

Bolivia has no geographical relation to Central America, but it is mentioned here because of kindred financial trouble.

In June, 1922, the press reported that Bolivia had floated a loan with New York bankers, giving as security a first lien on all import and export duties, mining claims, and various monopolies, the government's controlling stock in the National Bank of Bolivia, and a first mortgage on two railways. Besides this it promised that, if the revenues should prove insufficient, additional taxes could be called for and that the collection of all revenues could be supervised by a commission of three, two of whom the bankers might appoint.<sup>40</sup>

<sup>38</sup> N.Y. *Times*, March 8, 1922, 2:7.

<sup>39</sup> *Nation*, 114:182.

<sup>40</sup> *Ibid.*, 707.

And so another Latin American state, this time south of the equator, slips its neck into the noose of American financial control. Was Mr. Champ Clark wrong when he said that our bounds extended to Tierra del Fuego?

## CHAPTER XIV

### DOLLAR DIPLOMACY—LEAVING MEXICO TO HERSELF

It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.—Monroe, 1823.

They have settled themselves in a country where jury trials are unknown; where representative government does not exist: where the privilege of the writ of habeas corpus is unheard of; and where judicial proceedings in criminal cases are brief and summary.

Having made this election, they must necessarily abide its consequences. No man can carry the aegis of his national American liberty into a foreign country and expect to hold it for his exemption from the dominion and authority of the laws and the sovereign power of that country, unless he be authorized to do so by virtue of treaty stipulations.—Webster, 1851.

Except for arbitrary wrong, done or sanctioned by superior authority, to persons or to vested rights, the United States Government, following its traditional usage in such cases, aims to go no further than the mere use of its good offices, a measure which frequently proves ineffective. On the other hand, there are governments which do sometimes take energetic action for the protection of their subjects in the enforcement of merely contractual claims, and thereupon American concessionaires, supported by powerful influences, make loud appeal to the United States government in similar cases for similar action.—President Roosevelt, 1905.

We must prove ourselves their friends and champions upon terms of equality and honor. You cannot be friends upon any other terms than upon terms of equality. You

cannot be friends at all except upon terms of honor. We must show ourselves friends by comprehending their interests whether it squares with our interest or not.—President Wilson's Mobile Address, 1913.

To some people the whole Mexican embroglio smells of oil. While there are some phases of the trouble between the United States and Mexico, extending over a series of years, which have no intimate relation to oil, there are few, if any, which do not, directly or indirectly, affect the property rights of foreigners in Mexico. The insecurity of life and property furnished an excuse for European intervention and for a time this did not seem a remote possibility. That would have involved very directly the Monroe Doctrine. The demand of Americans with property rights in Mexico, particularly those with oil interests, for intervention by the United States for a time was persistent and insistent. This involves that side of the Monroe Doctrine which promises to leave the Latin-American states to themselves.

In order to understand the situation it is necessary to study a little Mexican history. In 1877 Porfirio Diaz began an autocratic rule of Mexico which lasted, with an interval of four years (1880-4), until 1911. He wanted the country developed. As native capital and capacity seemed to be lacking he held out alluring inducements to foreign capitalists. Concessions were granted for mining, possibly in violation of the constitution of 1857, for railroad building, stock raising, fruit growing and what not until by the end of Diaz' career the larger part of the wealth of Mexico was in alien hands. The masses of the people, the great majority of whom were Indians, were landless, ignorant and poor, many of them peons. Discontent grew apace



and in 1911 Francisco Madero succeeded in driving Diaz out and was himself elected President.

Diaz had maintained a semblance of order by buying off the bandits with money and offices. Madero was unable to meet this situation and more or less disorder, with insecurity to life and property, has prevailed since the disappearance of Diaz. Early in 1913 Madero was killed and Huerta, whose hands were stained with the blood of Madero, seized the reins of government. He was promptly recognized by the leading European powers. President Taft awaited the inauguration of President Wilson, who refused to recognize Huerta, largely because of his connection with the murder of Madero. Said he: "We can have no sympathy with those who seek to seize the power of government to advance their own personal interests or ambitions."

In August, 1913, President Wilson sent a personal representative who proposed the following solution of the problem: (1) the cessation of hostilities by the warring factions; (2) an early and free Presidential election, in which Huerta should not be a candidate; (3) agreement by all parties to abide by the result. As Huerta would not accept the proposal it was useless to present it to the other factions and President Wilson now settled down into a policy of "watchful waiting" for the downfall of Huerta. Indeed, his policy was shaped to help bring about that event and he warned American citizens to get out of Mexico.

This policy of "watchful waiting" was roundly denounced by the jingoes and those whose property interests were involved. They pointed to the warships of France, Germany and Great Britain in Mexican waters to protect their nationals and cried shame that we should hold back and deny protection to our citi-

zens. They called for intervention, some even for annexation. Nothing short of drastic action would satisfy the special interests and they began to ask what would become of the Monroe Doctrine if the European powers should adopt, as then seemed likely, a policy different from that of the United States. In fact, the powers had already done this by their recognition of Huerta. Senator Bacon, chairman of the committee on foreign relations, admitted that they would be justified in landing marines for protection, but thought it best that they should ask the United States to do this for them when such protection was necessary. The conduct of England was particularly galling when Sir Lionel Carden, who had been a thorn in the side of Secretary Knox while in Cuba, was transferred to Mexico and began to hobnob with Huerta.<sup>1</sup> As it was commonly believed that Huerta would follow up the policy of Diaz in turning over the wealth of Mexico to foreign concessionaires the conviction became fixed in the mind of Wilson that the English government had recognized him and was designedly backing him up against the opposition of the United States, all for the benefit of the British oil interests.<sup>2</sup>

Naturally the American oil interests protested, but President Wilson was not concerned so much about their protests as he was about checkmating all attempts of the predatory interests, whether foreign or domestic, to fasten a stranglehold on Mexico. In October he delivered the Mobile Address, extracts from which the reader will find at the beginning of Chapters XI, XII, XIII and of this one. It marked the beginning of an attempt to apply idealism, the Wilson Doctrine,

<sup>1</sup> Hendrick, "Life and Letters of Walter H. Page," I, 181.

<sup>2</sup> *Ibid.*, 198-9.

in foreign relations, a policy which he never abandoned, though he did not always fully sustain it, even in Mexico. At first the policy was incomprehensible in Europe, even to Sir Edward Grey. It was something new in politics. While he denied that the British government was influenced in its Mexican policy by any consideration for the oil interests, it was known that Cowdray (Pearson and Son) had large contracts with the government and just at this time a "certain lady of importance" tipped off Mrs. Page to the effect that the trouble in Mexico was all for the benefit of one man. Fortunately about this time Sir William Tyrrell, a member of the staff of the British foreign office, came on a private visit to the United States. While he was here Mr. E. M. House arranged for him a personal interview with the President by which he became convinced of the disinterestedness of the American policy in Mexico and that the best thing to do to restore the best of feelings between the two countries was to get Carden out of Mexico and keep quiet for a time on the question of the Panama tolls.<sup>3</sup> Not long after this Carden suffered the humiliation of leading a procession of diplomats who advised Huerta to get out and a few months later was himself transferred to Brazil.<sup>4</sup>

Six months later all probability of foreign intervention in Mexico, if it may be said ever to have existed, was removed by the outbreak of the Great War. In February, 1915, considerable excitement was caused in England by the murder of William Benton, a British subject, in the presence of Francisco Villa, but, instead of investigating this herself, Great Britain asked the United States to do it. For a time, at least, the United

<sup>3</sup> Hendrick, "Life and Letters of Walter H. Page," I, 206-11.

<sup>4</sup> *Ibid.*, 209, 220.

States was to have a free hand in Mexico so far as Europe was concerned.

In April, 1914, the capture of Vera Cruz by American forces because of the refusal of Huerta to apologize for the arrest of several American sailors caused Latin America to fear that the interventionists and annexationists were at last in the saddle and the A B C powers (Argentina, Brazil, Chile) offered to mediate. The result was a protocol providing for the establishment of a provisional government by agreement between Huerta and Carranza and promising immediate recognition by the United States and the A B C powers. But Carranza was gaining and refused to accept the protocol. July 5 Huerta was "elected" President, but ten days later he recognized that he was beaten, resigned and fled to Europe. August 20, Carranza entered the city of Mexico but he and his general, Villa, soon fell to fighting.

President Wilson now (June, 1915) proposed to the A B C powers and Bolivia, Uruguay, and Guatemala that they join the United States in formulating plans for a provisional government, but before the conference adjourned Carranza seemed to be mastering the situation and it advised his recognition. October 19, Carranza was recognized as head of the provisional government. An embargo on the shipment of arms into Mexico was levied, and the policy of "watchful waiting" was resumed.

Villa was infuriated by this action and did not wait long to raid over the border and attack Columbus, New Mexico (March 9, 1916). This led to the invasion of Mexico, with the reluctant consent of Carranza, by a considerable American force "in aid of the constituted authorities of Mexico" in repressing disorder.

The pressure of the jingoes now became tremendous. As a means of combating it President Wilson issued a public statement in which he referred to the "sinister and unscrupulous influences" at work to make him go in and "clean up" Mexico . . . "in the interest of certain American owners of Mexican property," but he declared that this would not be done so long as a "sane and honorable" policy was followed by the United States. Later he declared that it was the right of any people to do anything they please with their own country and their own government.<sup>5</sup>

By January, 1917, our government recognized the hopelessness of the attempt to capture Villa and, considering the disgruntled state of Carranza's mind over the presence of American soldiers on Mexican soil, withdrew all of our troops. February 5 the new Mexican constitution, which had been formed by a constituent assembly, was proclaimed effective May 1. Immediately following this, Ambassador Fletcher took up his residence in Mexico and a little later the Mexican ambassador was received at Washington. Before presenting his letter Mr. Fletcher is reported to have asked if Article 27 would be retroactive. Just what reply he received is not known, but probably was assured by the *de facto* government that it would not be. May 1, Carranza was inaugurated as constitutional president and normal, or nearly normal, relations seemed to have been restored once more.

But a new rift soon appeared. The constituent convention had made an honest effort to guarantee to the Mexican people a share in the wealth of their country and to protect them against exploitation. In do-

<sup>5</sup> Robinson and West, "The Foreign Policy of Woodrow Wilson," 96-7, 113, 115.



ing so they stipulated in the famous Article 27 that ownership of mineral resources was vested in the nation. The constitution also provides that only native born or naturalized Mexicans may acquire lands, mines, and oil, but foreigners may be granted similar rights, if they agree not to invoke the protection of their government in respect to the same under penalty of forfeiture.

Before the revolutions began, chiefly under the Diaz régime, foreigners invested heavily in Mexico. The original investments have been estimated at \$1,875,000,000, the British leading with \$670,000,000, Americans following with \$653,000,000, the French with \$285,000,000, Germans with \$55,000,000, and all others with \$190,000,000. The American investors were concerned chiefly with railroads (\$150,000,000), oil (\$200,000,000) and mines (\$200,000,000). By 1910, just before the end of the Diaz régime, it was estimated that the American investments had grown to \$2,000,000,000,<sup>6</sup> the increase being chiefly in oil. In recent years the investors in oil have held the front of the Mexican stage.

It has been known for nearly a century that there was oil in Mexico, but the great development of the oil industry has taken place in the last twenty-five years. In 1900 Mr. E. L. Doheny, of San Francisco, visited the Tampico fields, secured a claim to some land and organized a company. The Waters Pierce Company and other American concerns secured concessions, as did also Pearson and Son (Cowdray).

In 1919 the British oil interests in Mexico amounted, according to *El Universal*, a Mexican daily paper, to about \$500,000,000 divided among fifteen companies.

<sup>6</sup> N.Y. *Times*, July 14, 1919, 7:1.

By far the largest of these was the Aquila Petroleum Company (Cowdray). There were several companies of an international character such as the Royal Dutch-Shell Combine, and others, which were said to be controlled by the British government. American capital was heavily represented in some of these, \$25,000,000 having been put in the Royal Dutch-Shell in 1916. The Standard Oil of England and the Standard Oil of Mexico were also listed as British companies operating in Mexico.<sup>7</sup>

In 1919, 299 wells were in operation in Mexico with a capacity nearly double that of 230,000 wells in the United States. Of the 299 wells, 204 belonged to American citizens. The American wells had a capacity of 1,300,000 barrels a day, one well alone spouting 300,000. British subjects owned 69 wells with a capacity of 200,000 barrels a day. The other 26 wells were of Mexican and mixed ownership and their capacity was about 100,000 barrels.

By the middle of 1919 claims against Mexico for damages amounting to \$500,000,000 had been filed with the Department of State at Washington. The claims were based on the destruction of new values in property created by American energy; the destruction of business by confiscatory taxes and unrestrained banditry, which made business operations impossible; the destruction of original values through an unstable government; the destruction of the financial and credit system through government decrees; the loss of profits which would have been made by the continuation of business without interruption. A year later the damages were given by the Fall Committee as amounting

<sup>7</sup> Jones, "The Caribbean Interests," 287 f; *N.Y. Times*, Aug. 24, 1919, IV, 6:1.

to \$505,002,434, of which \$14,675,000 was for 784 deaths and \$2,846,301 for personal injuries, \$200,000,000 for oil, stock ranches, plantations, etc.<sup>8</sup>

The foregoing figures make it easy to understand the peculiar interest of American investors in oil in Article 27 of the Mexican constitution, and in the attitude of the Carranza and Obregon governments toward that article and toward the subject of taxation.

February 19, 1918, the Carranza government, acting under the authority of the constitution of 1917, levied a tax on oil leases ranging from 10 per cent where the rental amounted to five pesos (\$2.50) or less per hectare for a year up to 50 per cent of all over 10 pesos. Under Article 27 all owners or lessees who desired to operate the land held by them were required to file a statement within three months; all lands not so registered were to be open to claims for leases. Only leases executed prior to May 1, 1917, would be recognized.<sup>9</sup>

The oil operators at once denounced this as confiscatory, being an attempt to deprive them of property rights in the subsoil and of exemption from any tax on the oil rights acquired by grants from Diaz. This led to a long drawn out controversy, the precise merits of which do not concern us. The Mexican constitution of 1917 was put out as a revision of the constitution of 1857. Some American opponents of the claims of the oil men maintained that they never had acquired title to the subsoil, as Diaz violated the constitution of 1857 in attempting to grant such rights. However, it does not appear that the Carranza government ever put

<sup>8</sup> *N.Y. Times*, July 6, 1919, IV, 1; June 1, 1920.

<sup>9</sup> "Legislacion Petrolera: Leyes, Decretos y Disposiciones Administrativas Referentes a la Industria del Petrolero, 1783-1921," 102.

forward this claim. It simply pointed to the constitution of 1917 and asked for obedience to the law.

Soon after this decree was issued the State Department began to show signs of abandoning the Wilson Doctrine of non-interference in behalf of concessionaires, for it protested against the decree as confiscatory or tending to confiscation, as did also the foreign offices of France, Great Britain, and Holland. A few concessions were made by Carranza, among them an extension of the time for registering to August 15, and a slight modification in the tax. On the principle involved he would yield nothing.

For the time being the American government seems to have contented itself with the protest. About two months later President Wilson, in addressing a delegation of Mexican editors (June 7), said that "we had no right to dictate to Mexico in any particular with regard to her own affairs," and in other words gave expressions of friendship.

The various groups interested in Mexico now began to organize for protection. Early in 1919 a financial agent of Mexico arrived in New York to negotiate a loan, whereupon an International Committee of Bankers (ten American, five British, five French) was organized to look into the matter. If the government would not take joint action with any other power, the bankers would act jointly with foreign bankers, and later they agreed that no loan should be made to Mexico without the agreement of the several groups. There was also a National Association for the Protection of American Rights in Mexico, and this organization sent Mr. E. L. Doney to Paris to lay their claims before the Peace Conference.

The Senate now took part in the discussions and

directed its committee on foreign relations to investigate. Numerous hearings were held in Washington, then a sub-committee, of which Senator Fall was chairman, went to Texas and the Mexican border. Further fuel was added to the flame by the alleged kidnaping of the American Consul, W. A. Jenkins. Soon after this Senator Fall introduced a resolution in the Senate calling for a break in diplomatic relations, but, under the advice of President Wilson, the resolution was dropped.

But the oil men continued their protests against the action of the Mexican government and again asked for the protection of the United States. Failing to get satisfactory assurances then they mutually pledged themselves not to pay the taxes fixed by Carranza. They claimed that the taxes were confiscatory and threatened to shut down. Charges were freely made by some that the oil men paid revolutionary leaders to stir up trouble. Such charges were vigorously denied, but the oil men admitted that they paid the revolutionists to secure immunity or protection.<sup>10</sup>

Whether it had any outside help or not, a revolutionary movement was gaining strength and in May, 1920, Carranza was driven from Mexico City and murdered. Alfredo de la Huerta now set up a provisional government as paving the way for Obregon as constitutional president. In seeking recognition Huerta said that Mexico wished to meet its obligations.

Business men now warned Secretary Colby against

<sup>10</sup> N.Y. *Times*, Jan. 9, 1922, p. 2. In this connection it is interesting to note that in January, 1922, the director of the National Association for the Protection of American Rights in Mexico resigned under pressure of his associates because of a letter he had written promising the utmost help to the side of any capable, sincere and aggressive Mexican who desired to restore to his country the peace, prosperity, credit, and honor it once claimed.



premature recognition and Ambassador H. P. Fletcher suggested that, as a condition of recognition, a promise should be exacted that American citizens should not be deprived of their property without compensation, that that taken by Carranza should be restored, and that Article 27 would not be made retroactive. About this time Senator Fall's Committee reported to the Senate and advised that a new treaty be exacted. The treaty should provide that:

Article 130, regulating religious and secular teaching, should not apply to Americans.

Article 27 should not apply to Americans.

Article 33, authorizing the President to expel foreigners, should not apply to Americans.

A claims commission should be appointed at once to pass on American claims for damages.

If these demands were granted, then the United States, preferably the government thereof, should extend financial aid for the refunding of the entire debt and the rehabilitation of industry. If not, then a military occupation was advised.<sup>11</sup>

After several weeks of deliberation Secretary Colby announced that, to secure recognition, Mexico must show by performance that it intended to respect the lives and property of American citizens, that it must indemnify foreigners for losses due to the revolution, and abrogate the confiscatory decrees of Carranza.<sup>12</sup> This was a wide departure from the Wilson Doctrine of no interference in behalf of concessionaires. But no demand was made at this time (August 17, 1920) for a treaty.

Huerta was hardly seated before the oil men began

<sup>11</sup> *N.Y. Times*, June 1, 1920, 1:1.

<sup>12</sup> *Ibid.*, Aug. 17, 1920, 10.

negotiations with him. However, he refused to nullify Carranza's decrees, a position which he did not modify after the receipt of Secretary Colby's letter. He did make some concessions to the oil men only to have to complain of their obstinacy and threaten them with legal action on back taxes. They then paid under protest.

October 19, 1920, the report was given out that the State Department would advise President Wilson not to recognize the Huerta-Obregon government on account of the murder of Carranza. A few days later Secretary Colby had a conversation with R. V. Pesquiera, confidential agent of Huerta, and then announced that the prospects of recognition seemed good. Possibly the blood stains were now considered as having been wiped out by the denunciations leveled at the murders by Obregon.

Mr. Pesquiera says that soon after his arrival in Washington "a well-oiled press" gave him "rather disconcerting attention, and it soon became apparent that there were certain sinister influences at work which stopped at nothing in their attempts to coerce concessions and unprecedented conditions in furtherance of their selfish interests." In furtherance of this they submitted, says Mr. Pesquiera, a "supercilious memorandum" to the State Department asking that "Mexico be required to sign on the dotted line to do certain things" which were inconsistent with the dignity of a sovereign nation, among them the annulment of specified decrees and executive orders.

In the conversation with Secretary Colby Mr. Pesquiera assured him that Mexico would not disavow her obligation and that she would recognize all valid claims, that she would agree to a joint arbitra-

tion commission to pass on claims, and would recommend that permanent arbitration machinery be set up. He also stated that Huerta and Obregon had both gone on record that Article 27 was not retroactive and would not be construed so as to violate valid property rights.<sup>13</sup> Although Huerta was to give up his office in a few days (November 30), Secretary Colby formulated a protocol of a treaty and forwarded it to him. The terms were substantially the same as had been offered the previous August, particular emphasis being laid upon the condition that Article 27 was not to be retroactive. The protocol was filed by Huerta, and Obregon allowed it to rest in peace. January 21, 1921, Secretary Colby announced that he would make no further efforts for a treaty, as the Mexican government did not seem to want one.<sup>14</sup>

In the meantime other states were recognizing the new government of Mexico. Before the end of the year several of the Latin-American states recognized Huerta, Argentina taking the lead. By September, 1921, a majority of the Latin republics had recognized Obregon, as had also Austria, Germany, Spain, the Netherlands, Sweden, Italy, China, and Japan. Great Britain and France held back, waiting for the United States to take the lead. A little later several state legislatures, among them Texas, Oklahoma, Arizona and California, passed resolutions asking for recognition.

While the United States was trying to get Huerta and Obregon to sign a treaty binding Mexico to respect American rights, she was also protesting against certain acts said to be in violation of those rights. As

<sup>13</sup> N.Y. *Times*, Aug. 14, 1921, VII, 6.

<sup>14</sup> *Ibid.*, Jan. 22, 1921, 3.

far back as June 16, 1919, the State Department had protested to Carranza against the granting of new concessions covering grants already made to Americans. The British government also protested against similar treatment of its nationals. Under Huerta, it was charged, the custom of granting concessions on government reserves along navigable streams was extended to small brooks. These concessions were granted to Mexicans who sold many of them at a profit to British companies, a few to French and Dutch companies. Possibly some of these concessions covered concessions previously made to Americans, but the American protest does not seem to have been limited to these. One day in November the secretary in charge of the American embassy handed de la Huerta a note to the following effect: "I am instructed by my government to inquire by what right the Mexican government is granting concessions for drilling for oil on Federal lands." But Huerta was either too self-respecting or too busy to answer the note. His government is said to have continued making grants by wholesale, working up to midnight of November 30, the last day of the provisional government,<sup>15</sup> though the charge is open to question. The British government made no complaint.<sup>16</sup> The oil men themselves declared that they were not receiving any special favors and that the trouble was Americans would not obey the Mexican laws.

To the consternation of the Americans the Aquila Company now notified the American Association that

<sup>15</sup> *N.Y. Times*, Dec. 11, 1920, 9; Dec. 12, 21.

<sup>16</sup> However, it did protest when the Mexican Supreme Court ordered the return of the Nicia mine to its owners, a protest in which it was joined by the United States.

it would withdraw from membership in the association that it might be free to follow its own course and make terms with the Mexican government. One of the objects of the association had been to foment revolutions, but in this it had failed to gain its ends. It had backed Robles Domingues for President against Obregon only to see the latter elected by 1,131,751 votes to 47,422 for the former. For a time the assaults on Obregon were continued, but the Cowdray group decided that it was time to quit and make terms.<sup>17</sup> This seemed to be a virtual abandonment by the British government of its former position and was regarded by Americans as another step in the move for the monopoly of the world's oil. However, the State Department regarded the protest of 1919 as still standing and directed its protest against the granting of concessions on lands held by Americans to the Mexican government. Apparently the only answer made by Obregon was to accuse the American oil men of furnishing arms to workmen to stir up trouble and this forced the landing of marines. The United States then directed its chargé d'affaires to investigate the oil rulings.<sup>18</sup>

Two days before the inauguration of President Harding a restatement of Senator Fall's conditions of recognition was given to the press, and these conditions were immediately endorsed by the oil men. Many people assumed that Senator Fall, who became a member of President Harding's cabinet, would determine the Mexican policy and it would be "vigorous," but for some time the administration had nothing to say about the matter except that no change

<sup>17</sup> *Times Current Hist. Mag.*, XVI, 1015.

<sup>18</sup> *Cong. Rec.*, April 12, 1921, p. 89.



had been made. Hughes, not Fall, was directing the Mexican policy.

In May President Obregon gave to an American newspaper correspondent his reasons for refusing to consider the Colby protocol. According to this correspondent he declared that obligations and rights of Mexico, like those of other independent states, were determined by international law and that she would evade none of her obligations. The signing of a convention to secure recognition would be equal to placing in doubt the rights that Mexico has to all the privileges that international law establishes. For her neighbor to make greater demands than had been made by other nations, by which the government had already been recognized, would be unjust.<sup>19</sup>

About the same time that this statement was given out Mr. George T. Summerlin, Counselor to the American embassy in Mexico, started from Washington with a new protocol and this he presented on May 27. It followed very closely the conditions of the Fall committee, though differing some on detail. It specifically demanded the elimination from the constitution of the provision which would deprive Americans of the right of diplomatic appeal in cases where rights of property in land were involved, the elimination of Article 27 so far as affecting subsoil rights acquired before May 1, 1917, and the modification of several others.<sup>20</sup> This was later (June 8) followed by a note from Secretary Hughes, who made it clear that such conditions must be met before recognition would be accorded. The reply of Obregon was at once made public and it was that he had no authority to change

<sup>19</sup> N.Y. *Times*, May 21, 1921, p. 4.

<sup>20</sup> *Ibid.*, May 23, 1921, p. 1.

the constitution by treaty and that the signing of a treaty must be preceded by recognition. At last the impasse had been reached. There were several possible ways of breaking it.

Obregon, who was very desirous of recognition, now made a dignified statement to the American people through the *New York World* (June 27). In this he stated that Mexico would meet every just obligation without evasion. His purpose was to establish a full partnership between the people and the government for the public good. Though Mexico was called the treasure home of the world, yet 90 per cent of the people lived in ignorance and poverty. The resources of the nation belonged to them and should be used for their improvement. Foreign capital would be welcomed and given justice, but not excessive privileges at the expense of the people's rights. Referring to the charge of confiscation he continued:

This falsehood is the work of those who resent our policy of nationalization because it blocks future campaigns of exploitation and monopoly. Every private right acquired prior to May 1, 1917, when the new constitution was adopted, will be respected. Article 27 . . . will never be given retroactive effect.

On the question of taxation he said that the "investors of the more powerful nations have the idea that we should submit our plans to them for approval." Every Federal tax was, he said, applied equally to natives and foreigners. The increase in the petroleum tax was for application to the foreign debt. To call the tax confiscatory was absurd. The fact that the Doheny group had pumped \$28,000,000 net profits out of Mexico in 1920 was sufficient proof of this, yet

they had flooded the United States with complaints that the policy of the Mexican government was ruinous.<sup>21</sup>

The Mexican government has a habit of issuing decrees and regulations affecting the oil taxes at frequent intervals. In the three years from July 1, 1918, to July 1, 1921, no less than seventy-three circulars, decrees, rules and regulations were issued. Most of them were, indeed, circulars of information or fixing the price for a regular period in accordance with law, but there were several decrees of a fundamental character. To the layman they are confusing; to the operators they must be exasperating. May 24, 1921, a decree fixed upon petroleum of a density of 0.95 as the basis of taxation and provided for a tax of ten per cent of the production, with an increase or decrease of 8.2 per cent with each variation of one hundred below or above the standard; also, certain fixed charges on gas, lubricants, and paraffine. The oil men protested. June 7 (effective July 1) the export tax was fixed at \$2.50 per cubic meter on oil of 0.96 density with appropriate variations according to density.<sup>22</sup> Announcement was now made that back taxes, long overdue, would be collected.

The Standard and the Mexican Petroleum Companies and their allies again protested, declaring that the taxes were confiscatory and claiming exemption from the effects of Article 27 under Article 14, which says that "no law shall be given retroactive effect in prejudice of any person whatsoever" and at once proceeded to "make hay while the sun shines." Exports

<sup>21</sup> N.Y. *Times*, Aug. 24, 1922, 22:2.

<sup>22</sup> "Legislacion Petrolero: Leyes, Deretos y Disposiciones Administrativas Referentes a la Industria Petrolero, 1783-1921," 214, 216.

for June jumped 3,500,000 barrels over the shipments of the preceding month and those for July fell to about one-fifth of those for June. Although President Obregon had announced that the increase of revenue would be used to meet the government debt obligations the oil men, not satisfied with a protest, organized a shut-down.

It is easy to understand why taxes were in arrears. When civil war was raging with two or more governments contending for the treasury, the companies naturally did not care to pay to one and then perhaps be called on to pay later to another for the time being successful contestant. Some of them did pay large sums, estimated at \$30,000 a month, to General Palaez, a lieutenant of Carranza, for protection. He is said to have secured arms and ammunition from the United States and to have become a large shareholder in some of the American companies. After the death of Carranza he went over to the new government and was made commander of the forces in the Tampico district. The Mexicans charged that the shut-down was organized to force Obregon to rescind the increase of export taxes by leaving him without money with which to pay the soldiers and so bring on another revolution. While General Palaez was absent one of his lieutenants attempted to start a revolution, but it amounted to nothing. That the oil people had anything to do with this is not clear.

A few days after the shut-down began a sensation was caused by the arrival of five units of the American fleet off Tampico (July 4). Some pretext had to be found and the secretary of the navy announced that they had been sent there to protect the tankers sailing from Tampico and Tuxpan as they were under

the jurisdiction of the Shipping Board, which needed the oil for fuel; also to protect American property which might be jeopardized by labor troubles due to the shut-down. Now it happened that American delegates of the International Association of Machinists were at that very time attending a convention of the Mexican Federation of Labor at Orizaba and they at once telegraphed the situation to Mr. Samuel Gompers. That gentleman at once protested to Secretary Hughes against allowing the navy to be "exploited by the employing interests for the avowed purpose of overawing the workers who are now engaged in a lockout imposed upon them," and Senator LaFollette introduced a resolution protesting against such use of the fleet without authority from Congress. General Palaez was appointed commander of the Mexican forces at Tampico and instructed to maintain order. Also the pretext of the need of the oil for fuel for the Shipping Board was removed by a statement from the chairman of the board to the effect that it had an abundant supply of oil and was not dependent on the Mexican field. Under pressure of such varied influences the order of withdrawal was soon given and the last warship departed just nine days after the first arrived.

President Obregon declared that the shut-down was brought about as part of an attempt to secure the abolition of the tax and to bring about armed intervention. The sending of Palaez to Tampico was to head off any pretext for the landing of marines. Obregon now told the oil people that, under the Mexican constitution which they so freely denounced, they must compensate their idle employees. He also tried to find work for them.



The oil interests could not very well defeat the 15 per cent tax in kind, but they imported, free of duty, American methods of avoiding the 10 per cent tax in cash on the exports. This they did by organizing various subsidiary companies to which the producer "sold" his oil for about 40 cents when oil was selling at \$1.50 to \$1.75. They now bewailed to the Mexican government that the producers were being oppressed by the corporation which shipped the oil. When the government offered to collect on a basis of \$1 a barrel when the New Orleans price was \$1.75 (it cost less than 75 cents to ship) they cried ruin, as this would leave them only 30 cents out of 40 cents. Neither were they willing to pay this part of the tax in kind. When Obregon pointed out that the British companies were observing the law, and were exporting oil and making money, his figures were disputed by the American Association. However, he stood firm and announced that exports would cease, if an adjustment was not made by September 1.

The mountain had refused to come to Mahomet, so Mahomet decided to go to the mountain, or at least to meet it half way. The heads of the oil corporations, Mr. W. C. Teagle, of the Standard, Mr. E. L. Doheny, of the Mexican Petroleum, Mr. H. F. Sinclair, of the Sinclair Consolidated, Mr. J. W. Van Dyke, of the Atlantic Refining, and Mr. A. L. Beatty, of the Texas Company, went to Mexico, where they met representatives of Obregon and reached an agreement September 3, 1921. The production tax was to be 14 cents per barrel. The export tax was to be based on the New York price for the month preceding shipment and was to vary according to specific gravity, the standard being a tax of 12.5 cents per barrel on oil

of 0.90 specific gravity. In addition there was to be a specific tax varying from 4.93 to 7.95 cents per barrel.<sup>23</sup> It was further agreed that the taxes might be paid in Mexican bonds. This was a highly profitable agreement to both, for, since the Mexican bonds could be bought at about \$40 while the par value plus accumulated interest amounted to \$135, this gave the oil men all they had asked for in the reduction of taxes and enabled the Mexican government to get the equivalent of the full tax in the cancellation of its bonds. The terms of the agreement were kept secret so the price of bonds would not go up, and the sky had a rosy hue.

But the oil men had not taken the bankers into account. The latter soon found out what was going on and notified the oil men that it was unethical, that it must stop. They did not propose to lose, or have their customers lose, the profits on the bonds which they had bought at \$40 or less, amounting to about \$150,000,000. The debt, said they, must be refunded. The result was that payment in bonds did stop and the bankers were invited to a conference with the Mexican government.<sup>24</sup>

The contest of the oil men with the government gives us the strange, perhaps we should say modern, spectacle of a group of private foreign individual negotiating, sometimes defying, a government regarding its internal policy and, backed up by their State Department, attempting to dictate what that policy shall be.

One result of the tax agreement was the turning of \$6,500,000 into the treasury, which was set aside to

<sup>23</sup> N.Y. *Times*, May 4, 1922, 6:1; June 7, 31; June 22, 23:2; Aug. 24, 22:2.

<sup>24</sup> *Times Current Hist. Mag.*, XVI, 1016.

pay the interest on the debt. This much was in sight when the bondholders were invited to a conference. Before this conference was held the Mexican supreme court rendered its decision in the first amparo (injunction) case (September 1, 1921), to the effect that Article 27 was not retroactive and did not affect rights acquired prior to May 1, 1917, something already made perfectly plain in Article 14. But in Mexico it takes five decisions to establish a "juridical precedent" and the State Department did not consider this decision sufficient.

It is possible that Obregon's yielding spirit was due to a desire to secure recognition by the United States. After the settlement of the tax question there was talk of recognition, but none of the talk came from the State Department. When Mr. Thomas W. Lammont, representative of the bondholders, journeyed to Mexico for that conference and came back without having effected any settlement, President Harding announced (February 7) that there was no prospect of an early resumption of diplomatic relations with Mexico because it was impossible to obtain guarantees without which recognition would not be extended to the Obregon government. All yielding had been in vain so far as concerned recognition.

Early in 1922 a curious and perhaps unexpected result of the refusal to recognize the Obregon government was reflected in the decision of a New York judge. The case arose from a suit by the Mexican government against a contractor for violation of a contract for submarine chasers. It was ruled out of court by Justice Donnelly, in the supreme court of New York, on the ground that the Mexican government had not been recognized. In this Justice Donnelly

was following the decision of the Appellate Division that the Russian Soviet government had no standing in court because it had never been recognized by the United States. In October a contractor brought suit against Mexico in a New York court and secured an attachment against Mexican property located there to satisfy a claim amounting to \$1,161,348.90. As the Mexican government had not been recognized his attorneys took the position that it was liable to suit and that its property could be attached. Mexico at once called the attention of Secretary Hughes to the matter and closed the Mexican consulate at New York. Secretary Hughes took the matter up with Governor Miller, of New York, and succeeded in getting the suit dropped, whereupon the consulate was reopened. When an attempt was made to renew the suit in a Federal court Mexico denied its jurisdiction and refused to appear.<sup>25</sup>

It may be added here that Mexico had other grounds of complaint. The massacre at Herrin, Illinois, in which several Mexicans suffered in life and property, furnished cause for diplomatic complaint. Later the Mexican chargé d'affaires lodged a complaint about the indiscriminate killing of Mexicans in the United States, and the driving of all Mexicans out of Breckinridge, Texas, by a mob. In this case Secretary Hughes promptly telegraphed Governor Neff to furnish the necessary protection.<sup>26</sup> Americans talk a great deal about the insecurity of life in Mexico, but it is interesting to note that while only fifteen Americans were reported killed in Mexico in 1922, twenty-six Mexicans were said to have been killed in

<sup>25</sup> N.Y. *Times*, Oct. 28, 1922, 1:4; Nov. 1, 30:2; Nov. 18, 28:2.

<sup>26</sup> *Ibid.*, Nov. 16, 1922, 3:5; Nov. 17, 7:1.

the United States.<sup>27</sup> Still Mexico did not demand a change in our constitution so as to give the Federal government jurisdiction in such cases.

Although the October conference on the debt had failed, in the spring of 1922 Mr. Lamont went to Paris to confer with the bondholders and came back, accompanied by representatives of the Bank of England and several continental banks, ready to meet Señor de la Huerta and lay down terms. It now appeared that \$517,000,000 worth of obligations was concerned in the negotiations, \$265,000,000 in Mexican bonds and \$252,000,000 in unguaranteed securities of the National Railways. In addition the arrears of interest amounted to \$111,000,000. The chief difficulty in the negotiations arose over the refusal of the Mexican government to recognize the bonds issued by Victoriana Huerta, whom the United States never recognized, but whose bonds American speculators in Mexican revolutions seem to have expected to make the Mexican people pay, even at the cost of American intervention, if necessary. The railway securities also presented a serious problem. The annual interest amounts to \$20,000,000, or more than the railroads ever earned in the days of prosperity.<sup>28</sup> The proposal of Señor Leon Salinas, chairman of the executive board of the National Railways, was another loan so that it would be possible to lay down heavier rails and so increase profits.

After having conferred for two weeks Mr. Lamont and Señor Huerta finally reached an agreement on the debt question, subject to ratification by President Obregon and the Mexican Congress. The agreement

<sup>27</sup> *Nation*, 115:565. The writer cannot vouch for these figures.

<sup>28</sup> *Times Current Hist. Mag.*, XVI, 341, 726.



provides for the resumption of payment of interest on the debt coupons maturing after January 2, 1923, and the continuation of the payments for five years out of special funds (all the oil tax, ten per cent of the gross receipts of the National Railways, and all the net profits of the railways), after which full service on the debt is to be resumed. New interest script is to be issued to make up the difference between the interest due and the amount paid in the five year term. The arrears of interest are to be taken care of with an amortization fund extending over forty years. The "external debt" is specially favored, as the cash payments on coupons maturing after January 2, 1923, will be made on a scale ranging from 50 per cent to 140 per cent, while the payments on the internal loans will range from 30 per cent to 65 per cent. Although the government owns a majority of the stock, the National Railways are to be turned over to private management, the government agreeing to guarantee the bonds and the holders of mortgages agreeing not to foreclose unless the government defaults in its obligations.<sup>29</sup>

Here again we have the strange spectacle of a group of foreign individuals negotiating with a sovereign state and dictating to that state its financial policy. This does not apply to the whole debt, for the present Mexican government seems anxious to meet its honest obligations. But prominent in the list of bonds which it now agrees to pay are the bonds issued by Victoriana Huerta in 1913, amounting to \$6,000,000, the validity of which Obregon has always disputed. Except for these the settlement was one of which Mexico had no ground of complaint, unless it was on

<sup>29</sup> N.Y. *Times*, June 14, 1922, 30:1; Sept. 5, 1922, 19:1-2.

the part relating to the railways. So far as concerns the bonded debt, the adjustment is very fair indeed.

The announcement of the agreement and of its ratification by the Mexican Congress produced no change in the attitude of the State Department. Indeed, the State Department probably never had mentioned one of the chief difficulties between Obregon and the bondholders, the refusal to recognize the Huerta bonds. It would be a strange spectacle indeed to refuse to recognize a government and then insist that the successor to that government pay our speculators for bonds they had bought of it. Whether any of these bonds were bought at first hand by our speculators the writer cannot say. Certainly Europeans whose governments had recognized Huerta bought them and still held many of them in 1922. Formerly they would have looked to their own governments to enforce payments, but now, under the Monroe Doctrine as applied to the collection of debts, they dared not do so. No doubt the "innocent purchasers" wondered whether the United States, not having recognized Huerta, would follow the principle of "caveat emptor." However, it was not necessary to appeal to any government; the bankers were able to take care of the "innocent purchasers."

But the debt problem was only a small part of the difficulty of recognition. While the problem of the taxation of oil had been adjusted, temporarily at least, that of the rights of landholders to the subsoil had not. On the contrary, their rights to the surface seemed endangered in some cases by agrarian laws which, it was claimed, had been passed in an attempt to put into effect Article 27 for the recovery of lands granted to foreign concessionaires by former corrupt administra-

tive officers and to prevent such sales in the future. Secretary Hughes says that he has no objection to expropriation for public purposes, provided the owners are adequately compensated, but that expropriation in Mexico means confiscation or practical confiscation, for when there is a pretense of paying for the lands taken the payment is based on the assessed valuation, not on the real value. A government guilty of such practices, along with other objectionable proceedings, cannot, he says, be recognized. In a letter written shortly after the adjournment of the debt conference he insisted that recognition must be preceded by written guarantees that American holdings would not be subject to confiscation.<sup>30</sup>

Soon after this the text of the decisions in the five amparo cases was received, but Secretary Hughes declared that they gave no protection to Americans who owned land prior to May 1, 1917, but had taken no steps to develop oil or had granted no leases. Besides, the State Department had been informed "by Mexican authorities that the Mexican Congress has sole authority to regulate by appropriate organic law the interpretations of the precepts of the Constitution and that no organic law for this purpose has yet been enacted." In view of these facts, the decisions did not warrant recognition.<sup>31</sup> Even after President Obregon had signed and issued a decree declaring the Article 27 was not retroactive the oil men and the State Department were not satisfied, but insisted that the Mexican Congress should act on the matter.<sup>32</sup>

The next move on the chess board was made by

<sup>30</sup> N.Y. *Times*, Aug. 8, 1922, 31:2.

<sup>31</sup> *Ibid.*, Aug. 11, 1922, 22:3.

<sup>32</sup> *Times Current Hist. Mag.*, XVII, 353.

Obregon. In his message to Congress (September 1) he suggested ratification of the Huerta-Lamont agreement, but made no suggestion for any change in Article 27 or for any law interpreting it to suit Secretary Hughes and the oil men. As for the treaty asked for by Mr. Hughes, his attitude was unchanged. He had offered a counter proposal whereby Mexico should recognize the validity of claims for damages due to the revolution, the justice and amount of each to be settled by a mixed commission. This commission was also to try to adjust other differences between the two countries. However, his proposals had been declined and now there was nothing left but to follow a policy of "careful waiting."<sup>33</sup>

Unfortunately Secretary Hughes and Mr. Summerlin did not follow the same policy. Although President Obregon had made no recommendations about Article 27, a bill affecting it was soon drawn up. This bill, instead of repealing Carranza's decrees, proposed to carry them out with a few modifications. Concessions secured prior to May 1, 1917, must be registered within 180 days. Among other things the bill forbade the transfer of concessions to foreign governments, provided for royalties ranging from 15 to 50 per cent including the concession tax, and declared that "Any violation of the provisions of this article or the failure to pay the concession tax . . . shall be considered cause for the forfeiture of the contract."<sup>34</sup>

In some way not yet disclosed Mr. Summerlin secured a copy of this bill, or pretended bill. October 18 he discussed it with Señor Pani, Minister of Foreign Affairs, and the next day sent the bill to him

<sup>33</sup> N.Y. *Times*, Sept. 2, 1922, 4:4.

<sup>34</sup> *Ibid.*, Nov. 20, 4:2; Nov. 19, 1:3; 14:2.

and asked for an official copy. In his reply Señor Pani manifested no displeasure whatever because Mr. Summerlin had sent the note and promised to send an official copy when ready. Apparently Mr. Summerlin never received an official copy, but he sent a copy of the one he had to Secretary Hughes. The chief objection of the oil men to the bill was that it allowed the government to levy excessive taxes. This, they said, might force them to shut down and then their concessions would be forfeited for failure to pay the tax. November 15 Mr. Summerlin sent Señor Pani a memorandum written "on the official paper of the embassy," according to Señor Pani, stating that, in the opinion of the Washington government, the bill was "entirely inadequate for the protection of legally acquired rights of American citizens." The next day Señor Pani sent a curt reply, stating that neither he nor President Obregon knew anything of whence came the bill under discussion, that no project on the subject had been sent to Congress, and that the "honor and sovereignty of the nation" would not allow it to accept laws "which receive the previous censorship of the governments of other countries." The correspondence was then transmitted to Congress. The result was that a storm burst forth and raged for two or three days.<sup>35</sup> The facts were also made known to the other Latin-American countries.

Now it was known that Obregon wanted recognition and Secretary Hughes had given him to understand that a treaty or legislation guaranteeing American property rights was necessary to secure this recognition. Here was a bill affecting precisely the thing

<sup>35</sup> N.Y. *Times*, Nov. 19, 1922, 1:3; Nov. 20, 1:6; Nov. 21, 2:3.



at issue and Secretary Hughes says that the Department of State had been given to understand that its comments would not be unwelcome. This being the situation he thought it proper to make known the attitude of the State Department, lest silence at this time might furnish cause for complaint later.

Under the circumstances it must be confessed that the conduct of Mr. Hughes was eminently correct. But either Mr. Summerlin was altogether mistaken in what he mistook for assurance that the comment of the State Department would not be unwelcome, or he was led into a trap by which Obregon hoped to score in popularity with the Mexican people and to wreck the program of Secretary Hughes at the approaching Pan American Conference. President Obregon certainly succeeded in the former, but it looks as if he had done so at the price of violating international decorum, a procedure ordinarily alien to the Latin-Americans.

But at last Obregon, wearied of the hectoring from without and of the unending contest with the oil men, called a conference to propose amendments to Article 27 and invited those whose property rights were involved to send representatives. Not only were foreigners to have their say about the financial policy of the government; they were now actually to take a hand in shaping the constitution itself.

Many years ago certain states of the American Union repudiated their debts. Many of the bonds are still held by the foreign descendants or assigns of the original holders in the hope that they will some day be paid. If any of the interested parties have ever besought their governments to demand of the United States that she alter her Constitution so as to enable her to make the states pay, I have never heard of it.

If some Mexican should come into possession of some of these bonds and the Mexican government should make such a demand, what would the State Department say?

Were the complaints that the taxes were confiscatory sustained by the facts? Several new companies were organized and began business after May, 1917. The British companies continued in business when the American companies were shutting down because of the taxes, and some of them paid dividends of 25 and 30 per cent after having paid the taxes. In 1920 Mr. E. L. Doheny reported for the Mexican Petroleum Company net profits for the year, after deducting for depreciation and taxes, amounting to \$9,773,898, or 20.5 per cent as compared with 14.75 per cent for 1919. The Pan American Petroleum and Transport Company made a net profit of 19.5 and several other companies reported earnings of like amount.

One immediate effect of the 1921 agreement on taxation was seen in the large increase in the exports of oil. The exports for December, 1921, amounted to 18,000,000 barrels. There was also an increased activity in boring for oil, the wells now numbering 510 as against 299 in 1919, with a potential output of 5,613,289 barrels as against 1,300,000 in 1919, though the actual output was far less than the capacity. Not all this increase came after September 1, for even the Americans had not stopped boring new wells when disputing with the government.

Another effect is seen in the oil dividends and in the price of oil stocks. In June, 1922, the annual report of Mr. Doheny, President of the Mexican Petroleum Company, showed a net profit of \$12,540,684, or \$26.82 per share on the common stock after paying dividends

of the preferred stock and allowing enormous sums for depreciation, taxes, etc., and after having spent \$13,500,000 for improvements. Evidently somebody had an idea of what was coming, for the stock of "Mexican Pete" had been going up for a week and it now jumped \$8.50 a share in one day, making a total rise of \$53 the share in a week and a few more jumps were yet to come.<sup>36</sup> The stock of allied concerns also bounded upward. When the official decree was made public in August "Mexican Pete" jumped another nine points and Pan American jumped three. At the close of September Mr. Doheny reported that the profits had averaged \$6,900,000 a month for the nine months and that there was a surplus of \$42,509,868. Shortly after this the company declared a stock dividend of 25 per cent and offered two and one-half shares of stock, class B, for every share of "Mexican Pete," raising the quarterly dividend from \$1.00 to \$2.00.<sup>37</sup> Yet all the while they had been shouting "confiscation."

Is it at all likely that the maximum tax of 50 per cent allowed under the bill which caused the storm would cause a shut-down because it would be unprofitable to operate and pay it? The oil men were paying nearly that much a part of the time when they were making the profits mentioned above. The writer is not sufficiently familiar with the different oil fields of the world to feel safe in making close comparisons, but he is under the impression that the Mexican fields are considered even better than the fields of Russia. It is interesting to note that at the time the oil men were shouting "confiscation" and "ruin" to Mexico the Berndall Corporation of America was perfecting a con-

<sup>36</sup> N.Y. *Times*, June 22, 1922, 23:2; *Ibid.*, June 23, 1:6.

<sup>37</sup> *Ibid.*, Oct. 24, 1922, 27:1.

tract with the Soviet government of Russia by which it agreed to install new machinery and pay 85 per cent of the proceeds of the old wells and 80 per cent of the new.

But at last a way out of the difficulty with Mexico was found. Several weeks after the Summerlin incident Secretary Hughes was furnished a copy of a bill dealing with the rights of foreigners under Article 27 and was given an opportunity to discuss it in Mexico, whereupon he appointed Mr. Charles B. Warren and Mr. John Barton Payne as our representatives.

The bill reasserted national ownership of the subsoil, but left to private parties the right to exploit under Mexican law. The right to explore and exploit could be secured only directly from the Mexican government at public auction. Foreigners securing a concession must comply with section 1 of Article 27.<sup>38</sup> Among other conditions the concessionaire must pay the government not less than 25 per cent of his proceeds. If not the owner of the surface, he must pay the owner a further 5 per cent. Concessions secured prior to May 1, 1917, could be confirmed, if request for confirmation was made within three years, but apparently the confirmation was to be made at auction as in other cases. Default in payment of taxes, failure to begin exploitation within two years, or disregard of regulations should work forfeiture of the concession.<sup>39</sup>

No specific instructions to the American delegates were made public, but they were expected to follow the lines laid down in the various notes to the Mexican government. The Mexican delegates were instructed (1) to secure respect for the sovereignty of

<sup>38</sup> *Supra*, 308.

<sup>39</sup> *N.Y. Times*, May 13, 1923, II, 8:1-6.

Mexico, (2) to agree to the non-retroactivity of Article 27, (3) to announce administrative support of the pending law, which was intended to satisfy foreign interests against the alleged retroactive force of Article 27, (4) to secure a settlement of the dispute concerning the channel of the Rio Grande, (5) to say that not over 40 per cent of the capital of the National Bank of issue should be owned by Americans, and (6) to secure provision for the arbitration of all future disputes.<sup>40</sup>

After reading the proposed law some of the oil men denounced it as worse than the old law, for under this leases were not liable for a royalty, nor subject to forfeiture for non-payment of taxes, for failure to develop, or for failure of the lessees to renounce the protection of their home government.<sup>41</sup>

The conference in Mexico lasted from May 14 to August 15, 1923. An agreement was reached for the resumption of diplomatic relations and this was carried out September 3. Also, it was agreed that, immediately following the resumption of diplomatic relations, two conventions, already agreed upon, providing for Mixed Claims Commissions should be signed for the settlement of claims of Americans and Mexicans. Following this a treaty of amity and commerce should be negotiated. Concerning the major subjects of dispute the following agreements were reached: Article 27 shall not be made retroactive to affect titles to oil and agricultural lands acquired prior to May 1, 1917, but said titles are to be governed by the laws then in force and the constitution of 1857. If agrarian lands are expropriated, they are to be paid for. Those

<sup>40</sup> N.Y. *Times*, May 19, 1923, 28:2.

<sup>41</sup> *Ibid.*, May 9, 1923, 26:2; May 11, 26:1.



illegally taken are to be paid for in cash or restored to their owners and the national government is to guarantee the bonds issued by the states in payment. No agreement was reached on oil concessions secured prior to May 1, 1917, but not developed, Mexico holding that they had been forfeited, the United States that they had not.

Nothing was said in the press dispatches about changes in the bill the conference was called to discuss, but immediately following the resumption of diplomatic relations President Obregon issued a decree abrogating the vexatious system of "denouncement" of oil lands established by Carranza and substituting a simpler one. This probably grew out of the discussions of the bill, as also a second decree said to remove some of the "severe restrictions" which had hampered the oil industry.<sup>42</sup> No hint was given as to what these restrictions were, but they probably related to taxation.

In the end the Department of State had to give up practically all that it had demanded in the matter of form, a pledge by treaty preceding recognition, but secured what it could have had for the asking three years before, a promise to respect American rights legally acquired. Obregon has secured what he steadily demanded, recognition before making a treaty, but he probably has yielded more on the oil and agrarian questions than could have been secured without such pressure. How much the government will be hampered in the taxation of oil and in carrying out its agrarian policy is not clear at this writing (September 6, 1923).

<sup>42</sup> N.Y. *Times*, Aug. 16, 1923, 1:2; Sept. 1, 1:3.

## CHAPTER XV

### DOLLAR DIPLOMACY—OIL ON THE DIPLOMATIC WATERS

This doctrine has nothing to do with the commercial relations of any American power, save that it in truth allows each of them to form such as it desires.—Roosevelt's Annual Message, 1901.

To pour oil on troubled waters may be one way to bring about a calm, but pouring oil on the diplomatic waters in Mexico certainly did not produce a calm there and hunting for oil on other diplomatic waters has already caused a few small storms.

The expansion of the automobile industry has enhanced enormously the commercial importance of petroleum. The change from coal to oil as fuel for sea-going vessels, which began since the opening of the twentieth century and is still going on, is not likely to take any backward turn until there is a great diminution in the relative supply of oil. The economies are too great. An experiment conducted in 1920 on a trip from New York to Hawaii showed a saving of twenty-five days in the round trip and an increase of 20.1 per cent in profits on the round trip.<sup>1</sup> As early as 1912 the United States took steps for the construction of fuel oil tanks at several naval stations. In 1915 two oil-burning dreadnoughts, the *Oklahoma* and the *Nevada*, were launched and the number of oil-burning naval vessels is constantly increasing. Other naval

<sup>1</sup> N.Y. *Times*, June 20, 1921, VII, 1.

powers are following the same policy and by the middle of 1921 over 90 per cent of the English naval vessels were of the oil-burning type.<sup>2</sup>

Naturally the great powers are interested in the control of the oil regions, both for commercial and for political reasons, the latter especially since the advent of the oil-burning naval vessel. In the future the mastery of the sea will depend upon the possession of oil. Inevitably the appearance of oil upon the high seas has brought it into the realm of diplomacy.

The greatest known oil fields lie in the United States, Mexico, the Dutch East Indies, Rumania, Mesopotamia, the Caucasus region of Russia, Persia, and Colombia. Recently a considerable field was reported to have been discovered in the far north of Canada. Only one of these countries, the United States, is a great sea power, though Holland has a considerable merchant marine. Until recently Great Britain's naval mastery was undisputed and her merchant marine still leads. In 1921 she had one well producing 365 tons a year and the Scottish Shale fields produced 165,000 tons at a high cost. In 1920 she imported 3,368,600 tons, only two per cent of which came from English possessions. During the war imports rose to 5,160,000 tons and at one time she almost lost control of the sea for lack of oil. No wonder, then, that British statesmen, including diplomats, are interested in oil.

The history of oil production in the United States is one of reckless prodigality. Vast stores have been exported and some of our fields are already practically dry and others are approaching that condition. Our national government, owing to its construction, has

<sup>2</sup> N.Y. *Times*, July 20, 1921, 19.

practically no control over this industry. Somewhat late in the race it entered upon a policy of holding oil fields so as to be sure of oil for the navy, but has had a desperate fight with private interests to retain some of these. But, while private interests have been fighting the government at home they have been calling on it to fight, diplomatically, for them abroad.

We have seen that as far back as 1900 Mr. E. L. Doheny, of California, visited the region about Tampico and organized an oil company. This beginning was soon followed by concessions from the Diaz government to the Water-Pierce Company and to Pearson & Son, an English Company. Thereafter the production of oil increased very rapidly, and along with the increase in oil came an increase in friction. The American companies were jealous of each other and all were jealous of the English. On the overthrow of the Diaz régime the Mexican authorities began to grow restless and to manifest opposition to the strangle hold of the foreign concessionaires. Hostility toward Americans was the more marked, but was also directed at the English. In the preceding chapter we have seen how, when Huerta came to power, Carden made up to him, but was transferred to Brazil, virtually at the demand of the United States. The British government had run up against the Wilson Doctrine, which discouraged the too free use of its power in protecting concessionaires.

While the British did not withdraw entirely from Mexico, they decided to try another field farther south. The Pearson syndicate now applied to Colombia for extensive concessions to prospect for oil. The concession was to include the right to construct pipe lines, railways, canals, docks, warehouses, refineries, power

plants, etc. This company also had a contract to supply the British navy with oil. Although the oil possibilities of Colombia were then not fully known, private interests in the United States took notice and the government protested. Aside from the desire to do a good turn for the investing public, the officials at Washington felt that this concession, a concession which probably would seriously impair the autonomy of Colombia, was uncomfortably near the Panama Canal, a feeling shared by the general public. It is true there was then no fear of hostility from Great Britain, although the canal tolls act was not yet repealed, but, if this were allowed to pass unnoticed, what could we say when another power whose friendship was less assured came into such dangerous proximity?

Our protests were heeded. In the words of Mr. Walter H. Page, then ambassador to Great Britain, "Then the real meaning of concessions began to get into their [the ministers'] heads. They took up the dangers that lurked in the government's contract with Cowdray for oil; and they pulled Cowdray [Pearson and Son] out of Colombia and Nicaragua, granting the application of the Monroe Doctrine to concessions that might imperil a country's autonomy."<sup>3</sup> And the law exempting American vessels engaged in coastwise trade from canal tolls was repealed. Perhaps the two acts were not without some connection. Certainly Mr. Page suggested that repeal would be a graceful return for British behavior on oil. The connection between oil and ratification of the treaty paying Colombia \$25,000,000 for the rape of Panama is another story and belongs elsewhere. However, it is interesting to

<sup>3</sup> Page in *World's Work*, 42:454.



note that, even before the treaty was ratified by Colombia, the Standard Oil of California had secured a controlling interest in 1,350,000 acres. Also another concession hunter, Mr. Wm. Braden, of New York, was reported to have secured the right of prospecting for oil on 5,320,000 acres in Bolivia.<sup>4</sup>

Checkmated in America, though not wholly driven out, England now turned her major attention to other fields and the government secured a controlling interest in the Anglo-Persian Company, operating in two provinces in Persia. Then the Great War came on and the need for oil was brought home to England as never before. To meet the exigencies of the supply of naval oil a department of petroleum was added to the cabinet. In the course of a speech on the petroleum situation the Hon. Walter Hume Long, head of this department, said:

We are on the threshold of tremendous opportunities, and the nation must take care to occupy the house or others will take it and with it the key to all future success. If we secure the supplies of oil now available in the world we can do what we like.<sup>5</sup>

Months before the beginning of the war Winston Churchill had announced that it would be the policy of the British government to control the world's petroleum sources around strategic points, a statement which, coupled with action, attracted some attention at the time, especially in Germany.<sup>6</sup> As Mr. Hume's speech was made during the progress of the war little attention was paid to it in America at the time, but after the war, as England began to fence up prospec-

<sup>4</sup> N.Y. *Times*, Dec. 8, 1921, 26; Oct. 4, 1921, 21.

<sup>5</sup> *Ibid.*, June 27, 1921, VII, 1.

<sup>6</sup> *Amer. Jour. Int. Law*, VIII, 216.

tive oil fields and concluded the San Remo agreement, by which England and France were to monopolize the oil fields of Turkish lands under British control, the State Department began investigations of the oil situation and Secretary Colby sent a note of inquiry about the exploitation of mandates. The Senate also began to take notice and asked President Wilson what restrictions were imposed on Americans in the oil industry by France, Great Britain, Holland, Japan and other foreign nations and what steps had been taken to remove them. The State Department now reported that the general policy of Great Britain was to debar aliens from owning or operating oil industries within the empire and even to prevent the selling of shares in oil corporations to non-British subjects. A further bar to alien activity was found in the fact that the government itself was now in the oil business and owned 60 per cent of the stock in the Anglo-Persian Company, which had recently bought the Scottish-American Company, a Mexican concern. Holland and Japan also were following a monopolistic policy. The practice of the Latin-American states varied, some opening the oil industries to all, others making a government monopoly of them. In all cases of restrictions they applied to all aliens alike, hence there was no ground of complaint on the score of discrimination, but the government was standing for the "open door" policy.<sup>7</sup>

It is a little hard to reconcile this with the Wilson Doctrine of 1913 as applied to concessions in Mexico. That doctrine was announced for the protection of Mexico, but the "open door" policy in the mandated

<sup>7</sup> N.Y. *Times*, July 30, 1920, 5, Sixty-sixth Cong., 2d sess., Sen. Doc. 272.

territories simply means that American interests should have an equal opportunity to exploit the backward countries.

In reply to the State Department's inquiry Lord Curzon said that "the oil resources, and freedom of action in regard thereto," would be reserved to the future Arab state, and called attention to the restrictive policy of the United States in the Philippines and in her protectorates. Several months later (November 27, 1920) Secretary Colby filed a protest against the San Remo agreement. In this he challenged the statement of the British foreign office that the terms of mandates could be discussed only in the council of the League of Nations and by signatories of the covenant. As a participant in the war the United States must be consulted. The San Remo agreement, he pointed out, which provided that any private petroleum company operating in Mesopotamia must be under permanent British control, was not in harmony with the British note of August 9, 1920, which said that "the petroleum resources of Mesopotamia, and freedom of action in regard thereto, will be secured to the future Arab state, as yet unorganized."<sup>8</sup>

This caused some of the British press to grow somewhat facetious about our having come late into the war and now demanding a fifty-fifty division of the spoils, basing our demand on the principles of the League of Nations, which we had repudiated. Besides, we had taken no part in the war in Mesopotamia. However, *The Oil News*, reported to be the organ of the oil interests, regretted the friction and thought the friendship of the United States worth more than that "blessed word," Mesopotamia.

<sup>8</sup> N.Y. *Times*, Nov. 26, 1920, 1.

American officials resented this criticism and said that they were merely standing for the "open door" and for rights that came as a result of the war, independent of any treaty and the League of Nations.<sup>9</sup> This resentment was reflected in the Senate, where Senator McKellar introduced a bill for an embargo, to be imposed by the President, on oil shipments to countries which discriminated against American citizens. In support of this he offered the following facts, or alleged facts. The world's supply of oil was 43,055,000,000 barrels, of which the United States had only about one-seventh. The total production of oil 1857-1918 was 7,503,147,138 barrels, of which the United States produced 4,688,571,719 or 61.42 per cent. The supply of the United States was being depleted more rapidly than that of other parts of the world and Great Britain was trying to monopolize the outside supply while helping us to deplete our own. She had recently acquired by treaty the oil monopoly on 500,000 square miles in Persia. She held a majority of stock in the Anglo-Persian Company, capital \$100,000,000, and an interest in the Royal Dutch-Shell Company with its thirty-three subsidiary and thirteen controlled companies. She had stopped work by an American on a concession in Mesopotamia secured before the war. An American citizen had gone to Venezuela to buy oil lands and there found that he was competing with the British government. Another said that he had bought liberty bonds, the proceeds

<sup>9</sup> Possibly, as a counter irritant to the American charge of British oil activity a Vienna correspondent of the *Daily Herald*, a labor paper, charged that the Standard Oil was controlling Poland. Senator McCormick, he said, was reported "on good authority" to have negotiated with the Pilsudski government for Wall Street control of the Polish railways and that the negotiations were "highly successful." *N. Y. Times*, Jan. 9, 1921, 6.

of which went to England. This very money she was now using to compete with him in the oil business. She was buying oil in America at \$1.75 to \$2.55 a barrel, shipping it to her supply stations in the east at a cost of \$0.50, and then charging Americans \$7.75 to \$12.00 for this oil, refusing them permits to establish their own supply stations on her territory.<sup>10</sup>

Secretary Daniels gave his approval to retaliatory measures, but thought that greater discretion in the matter should be left with the President.

The Council of the League of Nations now offered to discuss the question of mandates, but the United States declined to participate. The Council then said that she must settle the matter with the nations concerned.

Lord Curzon's reply to Secretary Colby's protest was received before the end of the Wilson administration, but was not made public until April 6. In this note, somewhat *tu quoque* in character, Lord Curzon agreed in principle with the American contention for the open door, but seems to have taken peculiar satisfaction in pointing to the act of the Philippine legislature (1920) reserving the development of public mineral lands to the citizens of the United States or of the Philippines and to the action taken by the United States to prevent British interests from exploiting similar resources in Haiti and Costa Rica, to which he had called attention in his note of August 9. Secretary Colby had stated that the United States possessed only one-twelfth of the world's oil resources. In reply to this—perhaps also in reply to Senator Harding's campaign speech at Oklahoma City in which he had said that while we were preaching idealism the British con-

<sup>10</sup> Sixty-sixth Cong., 3d sess., *Cong. Rec.*, Vol. 60, 1052 ff.



trolled 90 per cent of the world's oil <sup>11</sup>—Lord Curzon said that the oil potentialities were altogether problematical, but that “the undisputed fact remains that at present United States soil produces 70 per cent and American interests in adjoining territory control a further 12 per cent of the oil production of the world.” In view of these facts he did not think it easy to justify the demand that American control should be now extended to resources which might be developed in mandated territories, especially at the expense of subjects of another state which had obtained valid concessions from the former government of these territories.<sup>12</sup>

In reply Secretary Hughes stood by the protest of Secretary Colby and declared that rights acquired through war had not been yielded and could not be given up except by treaty. Before final disposition was made of the concessions the assent of the United States must be obtained. The British ambassador then handed Secretary Hughes a memorandum suggesting the appointment of a commissioner to confer with the British Petroleum Commissioner on the subject in dispute.

Secretary Hughes seems to have made no allusion to Lord Curzon's statement that the concessions had been secured before the war. Secretary Colby had stated that no evidence of such concessions had ever been presented. Reports from Constantinople now credited Turkish officials with denying that British nationals had ever perfected any concessions for oil and Washington officials declared that they possessed and were ready to publish, if England so desired, docu-

<sup>11</sup> *N.Y. Times*, Oct. 10, 1920, 2.

<sup>12</sup> *Ibid.*, April 6, 1921, 11.

ments showing that no such concessions had ever been granted.

In a lengthy note (published July 20) Lord Curzon denied the charges with respect to the attempt to monopolize the oil fields and denied in part that there was any discrimination against foreigners. He pointed out that in some British possessions where no discriminations existed no foreigners were prospecting, while in Canada and other places where there were a few discriminations foreigners were to be found. The concession in Persia had not been acquired recently by treaty, but by a private citizen in 1901 when it was equally open to all. The oil industry in Peru had been developed by British capital, but was now in the hands of the Standard Oil. British-Dutch interest did have considerable interests in Venezuela, but Americans were equally prominent there. In Mesopotamia there was no intention of discriminating against non-British subjects, but legitimate rights acquired before the war must be respected.

The protests against our maintenance of an exclusive policy in the Philippines while protesting against a similar policy elsewhere were not without effect. Under pressure from Secretary Hughes the Philippine legislature repealed the exclusion law and this was said to open the way for the negotiation of a treaty between the United States and Great Britain dealing with American rights in mandated territory. In the case of Persia an agreement had already been reached whereby the Standard Oil Company was to share with the Anglo-Persian Company in the development of the oil fields.<sup>13</sup>

While this diplomatic storm was still raging, another

<sup>13</sup> *N.Y. Times*, May 14, 1922, 10.

burst over the proposal made in the Dutch Parliament for a monopolistic concession in the Djambi district of the Dutch East Indies. Several years before this three companies, among them the Standard Oil, had bid for concessions. The bid of the Standard was lowest and for a time the company seemed to consider itself out of the race. For some reason the company bidding highest withdrew its bid and then a bill was introduced in the Dutch Parliament (March, 1921) for a concession to the Batavian Company, an offshoot of the Royal Dutch-Shell Company, in partnership with the government. Hereupon the Standard renewed its claim for a concession and Secretary Hughes demanded of the Dutch government equal opportunities for the American interests. A respectful answer was returned to this and subsequent notes, but the bill went through and became a law (July, 1921).

However, two years later, when there was considerable talk in America of discriminatory legislation against foreigners, the Dutch claimed that the Standard Oil was already operating in the Indies, about the same time the government issued exploration licenses to two American companies and this was pointed to as proof of a non-discriminatory policy and as a reply to the threat of retaliation in the United States.<sup>14</sup>

At the very time it was demanding equal rights in the East Indies and was being supported by the State Department, the Standard Oil was negotiating with Czechoslovakia for exclusive rights in that country. Once it was reported that the company had succeeded, but later this was denied.

The oil fields of the Caucasus region furnish a realm of diplomacy peculiar to itself.

<sup>14</sup> N.Y. *Times*, April 10, 1923, 4:2; April 19, 3:5.

Previous to the Great War the Russian fields were said to produce 15 per cent of the world's supply of petroleum. In 1919 this had fallen to 4.45 per cent under the Soviet régime. The investment of foreign capital in this region, both in stocks and concessions, was large. Here again we meet our old friend, the Royal Dutch-Shell Company, the Bibi Eibat Company, and various French, Belgian, Italian, and Swedish interests. Here the Nobel Brothers, of peace prize fame, had staked heavily and won. Here also, before the war, there were large German interests. The Standard Oil did not enter this field until 1917, then only for supply and marketing. Curiously enough, it bought Nobel stock in 1919-20.

When the second Russian revolution came it not only repudiated the public debt, but also confiscated private property. The British government encouraged the Georgian revolt against the Soviets and sent an expedition to Baku to protect the interests of its nationals, but this was driven out by the Soviets. In 1920 another unsuccessful effort was made to capture the fields by force. Then the British government turned to diplomacy. At first this was of a secret nature, by the oil capitalists themselves—they had never subscribed to "open covenants openly arrived at"—and possibly by the British government. The effort centered on securing recognition of property rights and the granting of new concessions. Somewhat the same policy was pursued in other countries, especially Belgium, where the capitalists called on the government to protect their Russian interests and even organized a new Russian oil company. Capitalists bought and sold Russian claims, gambling on the downfall of the Soviets, which was predicted every day.

But the Soviets did not fall, neither did they recognize the property rights of the concessionaires. Suddenly Mr. Lloyd George became interested in the economic rehabilitation of Europe and called a conference to meet at Genoa. Should Russia be invited? Would the United States attend? To the chagrin of France, Great Britain had already accorded a qualified recognition of the Soviet government. The United States was in accord with France in refusing any sort of recognition. In reply to the invitation to attend the conference Mr. Hughes said that the economic problems could not be solved without taking up political questions. This was contrary to the traditional policy of the United States, hence we could not attend.

Nothing was said in the call of the conference about Russian oil, but the oil men were there in large numbers, some of them having just returned from Russia. Little effort was made to conceal them. Though our government had refused to send delegates, it was alleged that the Standard Oil was represented. This it denied. Possibly it was not, but we may rest assured that it kept an ear to the ground. The Soviets wanted capital, the men of the west, chiefly bondholders and concessionaires, a recognition of property rights already acquired and to be acquired. The best that the Soviets would concede was a compromise which was particularly distasteful to France and Belgium.

So the powers said no and Mr. Lloyd George called another conference to meet at The Hague. This was a place of sacred traditions concerning peace. Surely the United States would attend? Again Mr. Hughes said no. Russian oil might be worth while, but was not to be secured at the cost of political principles and economic honor.



Great Britain had yielded to the United States in fields under her control, but now she was left in the lurch when she called on the United States to help her recover her own in Russia. In Colombia, Mesopotamia, Persia and Palestine the oil question did not involve any question of internal politics; in Russia our State Department held that it did. At any rate, as a preliminary to any sort of recognition the government of Russia must recognize the rights of foreigners.

In line with this position representatives of the companies controlling 80 per cent of the world's oil land and 96 per cent of the Russian now agreed not to take any concession in Russia on oil properties which had been confiscated or to accept from the Soviet government any proposals "based on special privileges not granted to other industrials interested."<sup>15</sup>

While these gentlemen were thus generously upholding property rights and standing for the open door Mr. H. Mason Day, a rank outsider, it seems, so far as oil is concerned, through his position as President of the American Foreign Trade Corporation, which controlled the foreign trade of the Soviet republics of the Caucasus region, secured an oil concession in the Caucasus, got it approved at Moscow, and then turned it over to the Barnsdall Corporation, which made him its president. This was heralded as a "decisive victory for American oil interests" over the British. Although the concession was acknowledged to carry with it important economic and possibly political potentialities Secretary Hughes not only offered no objection, but even approved when assured that the concession was not on confiscated property.<sup>16</sup>

<sup>15</sup> *Literary Digest*, Jan. 20, 1923, p. 59.

<sup>16</sup> *N.Y. Times*, Jan. 18, 1923, 19:8.

These incidents serve to illustrate the fact that, however much the State Department may strive to keep out of entanglements and alliances, business entanglements and even alliances, as well as hostilities, continue to flourish. In fact, a new diplomatic person now shares the diplomatic stage. We used to hear of "dollar diplomacy" in which the foreign office acted for economic interests, as it sometime should; now the dollar does its own negotiating, as in Mexico, Persia, and Russia and when a question of internal politics or international relations is raised which it cannot untangle, it calls on the foreign office to help. Sometimes the foreign office "oils" the tangle with success, as in Colombia and Nicaragua and to some extent in Mesopotamia and Palestine; one day it may drop a lighted match on the oil.

Such is the material of which wars are made. Theoretically the open door policy is ideal, as it once was in domestic affairs with our railroads and big business. Internationally we are rapidly outgrowing it and the day of international anarchy is passing. Simply to declare that the natural resources of the world belong to humanity and invite every nation to enter through the open door will not allocate those resources to humanity, for one big man in a door often practically closes it, however wide open it may be in theory. Resources essential to civilization belong to humanity, not simply to the nation with the biggest guns. The day of international regulation must come just as surely as national regulation came in domestic affairs and the longer we put it off the nearer we approach another great war. If we would only work as hard for peace as we do to secure oil for the next war, that war might be avoided.

## CHAPTER XVI

### RECENT EUROPEAN VIEWS

The first Pan-American Conference (1889) seems to have occasioned a good deal of uneasiness in Europe, especially in commercial circles. Both English and continental papers, even as remote as Vienna, expressed the fear that it was a step toward the establishment of the hegemony of the United States. However, they dispelled these fears with the assurance that Blaine's dream was too utopian for realization. Our tariff policy would kill it. However, when Blaine finally secured the adoption of the reciprocity clause in the McKinley tariff bill and began to negotiate reciprocity treaties, the Frankfurt *Zeitung* remarked that this brought Blaine's great Pan-American scheme nearer realization.<sup>1</sup>

Elsewhere we have seen that Lord Salisbury held that the Monroe Doctrine did not apply to the boundary dispute between Great Britain and Venezuela.<sup>2</sup> Shortly after the second Venezuelan incident (1901-2) a British subject, Sir Alexander E. Miller, wrote that the Monroe Doctrine seemed to be coming to mean that the United States had appointed itself arbitrator "to investigate and give judgment uninvited upon the merits" of quarrels between European and Latin-

<sup>1</sup> Wilgus, "Blaine and the Pan-American Movement," in *Hispanic-American Historical Review*, V, 703-7.

<sup>2</sup> *Supra*, 56.

American states and "to require the contending parties to acquiesce in the decision." While this might find shelter under the Monroe Doctrine, it was utterly foreign to its principle and no "self-respecting nation would or could submit to dictation of that description until compelled by armed force."<sup>3</sup>

But there was another development of the doctrine which the same writer thought natural and inevitable. Civilized powers, he said, whose territory was bordered by that of a semi-civilized country, often found it necessary to end aggressions from the latter by a more or less veiled process of annexation. With few exceptions the South American governments could not be depended on to restrain their citizens. In such cases the European power must say to the United States, "Either take these people in hand yourselves, or let us do so in our own way." And the United States would be logically bound, in accordance as well with the dictates of international courtesy as the principle of the Monroe Doctrine itself, as authoritatively interpreted, either to acquiesce in the second alternative, or to assume a responsibility for the conduct of such states. Two years later President Roosevelt began to act on this principle in Santo Domingo.

But the application was not altogether to the liking of some English and continental journalists. The London *Saturday Review* indulged in articles headed, "The Monroe Doctrine Exploded," "The Pope of Oyster Bay," and "Mr. Roosevelt's Challenge," while the *Deutsche Revue* published one on "Monroe Doctrine und Weltfrieden," and the *Revue Générale du Droit International Publique* gave one on "L'imperialisme américain et la doctrine de Monroe."

<sup>3</sup> *N. A. Review*, 176:730-1.

Speaking to Americans at the Pilgrims' Dinner in 1911 Sir Edward Grey, then head of the Foreign Office, was reported to have accepted the Monroe "policy" without "any caveats or limitations." Commenting on this the editor of the *Spectator* said that the doctrine or policy had developed enormously since the days of Monroe and had become the "essential and cardinal fact" in American foreign policy. Applying it to conditions in Mexico he said: "To allow a bad condition to get so far out of hand as to justify complaints from Europe and the threat of intervention would have been to forfeit the whole American claim to leadership of the American continent."

The editor also finds that the doctrine is one of "enormous responsibility" and great complexity. "We hold, therefore," said he, "that the United States should develop a naval and military strength equal to her undertakings or would be wise to abandon or modify the Monroe policy." These he considered the only practical alternatives, but had always held she would not abandon the policy. On the contrary, he believed that for the peace of the world she should insist on it. As things are she could do this only by the strength of her arm. But if the movement for arbitration should succeed, there might be a wide change of policy in political forces and "such an outcome as the maintenance of the Monroe policy *by consent* might be possible." The realization of such a possibility should be kept in view and Sir Edward Grey's definite recognition of the policy he considered "a long step in that direction."

Commenting on the proposed arbitration treaties between the United States and Great Britain and the United States and France, Sir Edward Grey had said



that "it must be a postulate of any successful arbitration of an extended kind that there should be no conflict, or possibility of conflict, between the national policies of the nations which are parties to it." This meant recognition of the Monroe Doctrine for a treaty of arbitration with the United States. Commenting on this the editor of the *Spectator* said that recognition of the Monroe policy would be "perfectly easy for any nation which had reached the stage of arbitration with the United States." He suggested that in promoting arbitration the United States should apply herself particularly to the cognate point of "procuring recognition of the Monroe Doctrine. She would be asked to define it precisely, no doubt. That would not be a disadvantage. No country which does not wish to disturb the *status quo* would refuse recognition merely for perverse reasons. Only to put the question would be a kind of test of the peacefulness of the various powers.<sup>4</sup>

Later we shall see that Englishmen were instrumental in securing recognition of the Monroe Doctrine in the reservation to Article X of the Covenant of the League of Nations; also, what trouble President Wilson brought down upon his head by trying to make of it a world doctrine maintained by common consent.

Hard upon the adoption of the Lodge resolution (1912) against concessions in land and harbors to foreign corporations the British press gave voice to its views on the subject. The *Spectator* thought that it was well within the purpose of the original Monroe Doctrine, which was "a most valuable instrument of peace." It would injure no one in England and might serve to avert a real danger. The Monroe Doctrine

<sup>4</sup>*Spectator*, 106:798.

made the United States a kind of buffer between contending parties, making her the mediator between the European and the South American powers. The *Pall Mall Gazette* said that the annexing of Porto Rico, acquiring a naval base at Guantanamo, and assuming control of the Canal Zone in Panama probably were justified by necessity, but that there was a growing suspicion that the internal disturbances in Mexico and Cuba would be used for further territorial expansion. The *Gazette* did not share these suspicions, but thought that "international relations in regard to the American 'hemisphere' would be made easier and the underlying principle of the Monroe Doctrine made more acceptable to other Powers if the opportunity were taken to reaffirm the determination of the United States to seek no further territorial expansion and to avoid the same kind of colorable acquisition of places convenient for naval bases which the Senate declares it would view with 'grave concern' on the part of other nations." <sup>5</sup>

Another occasion of some little disquietude was found in the visit of Mr. Knox to Central America. The *London Economist* referred to the effort then being made to straighten out Central American finances as "dollar diplomacy" and expressed the fear that it would "involve the pledging to American financiers of revenues on which British investors" had a prior lien.

France, or rather Napoleon III, had one bitter experience with the Monroe Doctrine (1861-67) as related above, but few except Napoleon seem to have had anything to say about it at the time. Since then French publicists have had much to say about the doctrine, although Frenchmen have not been affected

<sup>5</sup> Quoted in *Literary Digest*, 45:412.

by it as directly as their neighbors across the channel. M. Merignhac, looking at the doctrine from the juristic point of view, thought (1896) that it, as affecting colonization and intervention, was "absolutely contrary to the law of nations." M. Hector Petin considered it a mere declaration of policy,<sup>6</sup> which other nations were free to respect or not as they saw fit.

Mr. Knox's visit to Central America (1912) coupled with his attempts to establish "order" there led the Paris *Temps* to remark:

The program of Secretary Knox may be sufficiently comprehensive to satisfy any American statesman. If it is carried out it will mean the economic predominance as well as the financial and political hegemony of the United States over the whole of Central America. But whatever developments in the new dollar diplomacy of which Mr. Knox is the father, may result from his visit to Central America, Europe can have no reason to object so long as the treaties insuring equality in the use of the Panama Canal be respected and the just money claims of Europe satisfied. Since the Monroe Doctrine results in permitting the little republics to shirk the responsibility of their acts, France would be very much obliged to Mr. Knox if, by his influence, he induce Venezuela and Cuba to agree that the French claims, so long in abeyance, be submitted to arbitration at The Hague.<sup>7</sup>

Concerning President Wilson's policy in Mexico (1913) M. Paul Beaulieu said that he was "raising up the United States to be Mexico's guardian" and undertaking to "deny the countries of Europe any influence in that territory to make them subordinates of the United States." His conclusion was that neither Mexico nor Europe could "possibly submit to these

<sup>6</sup> Quoted by Charlemagne Tower in *Proceedings Amer. Sec. of Int. Law*, 1914, 211-2.

<sup>7</sup> *Literary Digest*, 44:583, March 23, 1912.

North American injunctions." But the editor of *Soleil* took a different view and said that it was not the business of Frenchmen to blame the American government, if it wished to carry out a policy of Pan-American expansion.

As late as 1915 France asked more than once to have a representative on the commission to pass on claims against Haiti, but, even had she not been engaged in war in Europe, probably would have acquiesced in our refusal without much trouble.

No statement of German views of the Monroe Doctrine could very well leave out Bismarck's characterization of it as "international impertinence." As early as 1896 Kaiser Wilhelm II made a speech promising protection to Germans in foreign lands which was regarded as a veiled threat at the Monroe Doctrine as applied to Brazil. Subsequent to this he asked Delcassé, whom he later drove from the French foreign office because he was interfering with Germany's world program, to join him in the "complete isolation" of the United States, his object being to get the European powers to hold off while he smashed the Monroe Doctrine.<sup>8</sup> Following the Venezuelan incident (1902) Johannes Vollert in *Die Alldeutsche Blätter* (January 17, 1903) declared that the Monroe Doctrine could not be justified and that Europeans almost universally considered it "an impertinence." American soil could not be made inviolable by a noisy cry when there was "no means of warding off the attack of a respectable European power."<sup>9</sup> Somewhat different in tone was the Berliner *Tageblatt*, which said: "It cannot be too often repeated that, whether the

<sup>8</sup> Hendrick, "Life and Letters of Walter H. Page," II, 192.

<sup>9</sup> N.Y. *Times* "Current History of the European War," XIV, 151-2.

Monroe Doctrine is a part of the international law or not, we recognize it not only because we must, but as a matter of principle.”<sup>10</sup>

In view of the repeated efforts of Germany to acquire American territory, for example the Santa Margerita islands (1901), and harbors on the coast of lower California, it seems hardly probable that official Germany accepted the Monroe Doctrine “as a matter of principle.” Certainly this was not the view of Vice-Admiral Valoris, who, in discussing the Monroe Doctrine (*Deutsche Revue Stuttgart*) declared (1904) that Germany wished to live in friendship with North America, but that full equality must be accorded in political and national affairs, if friendly relations were not to be disturbed. Continuing he said:

The Monroe Doctrine has neither legal nor political validity. Yet it undertakes to confine the natural rights of other peoples to the protection of their interests by determining the limits beyond which they may not go. In this clause lies a great danger to peace, for other nations will not always submit to such dictation, nor be willing to explain and justify their actions, asking, in a way, permission of the United States.<sup>11</sup>

In a curious “Letter to Uncle Sam,” “Junius Junior,” ostensibly an American, says:

The British Empire and the Monroe Doctrine are blocking the expansion of the German Empire. This Empire is spilling over and must have room. It has ordained that it shall have room. Neither the geographical position of the imprisoned Empire of Germany, nor the plain requirements of her rapidly increasing people, are amenable to diplomatic obstruction or altruistic sentiment.<sup>12</sup>

<sup>10</sup> *Outlook*, 103:528.

<sup>11</sup> Quoted in *Review of Reviews*, 30:351.

<sup>12</sup> *Atlantic Monthly*, 109:175.



The author declared that the two great world movements of the day (1912) were Pan-Germanism and Pan-Japan. The road to safety against the latter was for the United States to allow Germany to enter and develop South America, thus abandoning the Monroe Doctrine and Pan-Americanism, and for the United States and Great Britain to join Germany in a movement for Pan-Teutonism.

At almost the same time Dr. Dirksen-Bonn expressed (*Grenzboten*, Berlin) the same idea—which was the original, which the echo it would be hard to say. He asks:

By what right does America attempt to check the strongest expansion policy of all other nations of the earth? Is it because of overpopulation in the regions where expansion is attempted? Is it because the United States has seized for itself new outlets for the settlement of its people? By what right does the United States fall upon weaker peoples and turn into colonies regions with which it has neither trade nor geographical relations? By what right does it hinder other great Powers from treating with the independent states of South America? To all these questions the stereotyped answer is returned: 'America for the Americans.' The questioner is of course non-plused, remembers the Monroe Doctrine, and admits the claim based on such an inexpungeable foundation.<sup>13</sup>

Then he goes on to add that the "irony of the matter" is that the United States is doing in South America what the Monroe Doctrine forbids others to do—interfering and bidding for the extension of her own trade and concludes that Germany must "stand up against this Anglo-Saxon Republic which wraps itself round in a mantle of supposed right."

But when trouble began in Mexico the attitude of

<sup>13</sup> *Literary Digest*, 44:978.

the German press was not hostile to our application of the Monroe Doctrine there. Said the *Tante Voss*: "It is for North America a matter of national sentiment and national business, and any attack upon it from this side of the ocean would be mere tilting at windmills."<sup>14</sup>

At the outbreak of the Great War Germany sought to reassure the United States and announced that she would observe the Monroe Doctrine. Just before this, and after also, it was claimed by our State Department that she had designs on Haiti. The sincerity of the announcement is open to doubt. About the same time an English wife of a German long resident in Germany was writing that England was looked upon only as a stepping stone to German conquest. "I firmly believe," said she, "that within a year Germany will have seized the new canal [Panama] and proclaimed its defiance of the Monroe Doctrine."<sup>15</sup> At that time Germany certainly had good reason to believe that the British and French colonies would soon be at her disposal. In the meantime the neutrality of the United States was worth bidding for with such a promise.

A year later a German scholar who had studied in America, Dr. Herbert Kraus, when called on by an American editor to give us Germany's ideas on the Monroe Doctrine, said that it did not cover the invasion of Canada.<sup>16</sup> But he did not venture to say that it would have no bearing on the permanent occupation of the Dominion.

Several writers have expressed the view that, but for

<sup>14</sup> Quoted in the *Outlook*, 103:528.

<sup>15</sup> Quoted in "Life and Letters of Walter H. Page," *World's Work*, 43:159-60.

<sup>16</sup> Kraus in *Atlantic Monthly*, 116:315.

the Monroe Doctrine, certain parts of Latin America would have been a field of keen rivalry among European powers for colonial expansion. By preventing this the Monroe Doctrine may not particularly have advanced those countries, though it had preserved their independence, but it had benefited Europe by preventing wars which would have come of such rivalry.

Writing shortly before the outbreak of the Great War, Dr. Herbert Kraus, of the University of Leipsic, said that European opinion of the doctrine oscillated "between a dignified reserve and a certain distrust which soon develops into open hostility on the part of the chauvinistic press." The chief difficulty of Europeans in interpreting the doctrine lay in the fact they judged Americans by European standards. They were constantly influenced by colonial rivalries and could not understand the idealism of a country which had no colonial ambitions. But the feeling of Europe toward the doctrine was slowly changing. Formerly they discussed the justification, or lack of justification, for its existence; now, whether the United States could and would maintain the doctrine which involves the duty to provide for peace and order in Latin America and a reasonable protection to non-American interests. Europe was, indeed, acquiescing in "the old style Monroe Doctrine," that which sought to prevent "the increase of political power of non-American states in America," but the affair took a "different aspect when we consider that new tendency to extend the doctrine into a prevention or limitation of the purely economic activity of non-American States, or their citizens, in America." <sup>17</sup>

<sup>17</sup> *Annals of the Academy*, 54:107-112.

Writing after the Great War had been in progress for a year Dr. Kraus said that European hostility to the Monroe Doctrine had gathered force very slowly until the outbreak of that war. Indeed, there was "not the slightest indication of any actual hostility." But the doctrine was undergoing "acute transition and evolution." Just now it was "engrossed by the idea of absorbing, controlling, and commercially restricting non-American states." President Wilson had tried to get away from the Taft-Knox dollar diplomacy, which incorporated this standard, but in the end so handled the matter of oil concessions as to open the door to objections to any and every sort of contracts with foreigners. Another fundamental change was the attempt to establish the United States as international policeman. Here it came in conflict with Pan Americanism. Possibly it was ultimately to evolve into a joint guardianship, with the A B C powers, of the lesser American states.

A view similar to that expressed in Dr. Kraus' earlier article, only slightly more aggressive, was expressed (1914) by Mr. A. Maurice Low, the distinguished publicist and at that time American correspondent of the London *Morning Post*. Lust for territory, said he, no longer existed in England. What British manufacturers and bankers wanted was a place to sell goods and lend money with a reasonable assurance of being able to collect. In the past they had been able to rely upon six-inch shells. But recently there had developed "a decidedly immoral doctrine" in countries under the protection of the United States whereby Europeans were invited to come in with their capital, then, when contracts were repudiated, or property and lives destroyed by revolution,

the courts made a mockery of justice, saying that foreigners went there of their own volition and knew the risks they were taking. After this preliminary statement, Mr. Low added:

To speak quite frankly, the Monroe Doctrine is not popular in Europe, and that unpopularity comes not from what the Monroe Doctrine is, but rather from what it is not. We have no objection to the United States taking such precautions as may seem necessary to safeguard itself. England has done the same thing and has a Monroe Doctrine in the Persian Gulf. Japan found it necessary to go to war to protect herself from the menace of attack through Korea. The right of a nation to take adequate means for its protection will not be denied. But those rights involve corresponding obligations. It is as dishonest for a nation to seek to obtain undue advantages and render no service to humanity as it is for an individual to grow rich by preying upon the credulity or avarice of his neighbors.

Some thirty years ago a conference was held in Berlin, of which the United States was a member, to discuss spheres of influence. It was agreed that a power claiming a sphere of influence must make its jurisdiction effective; in other words, in return for the advantages conferred by dominating or controlling territory it must assume certain obligations, and one of the most important of these is protection of foreign subjects and their property.

The territory embraced by the Monroe Doctrine is the American sphere of influence, and I think Europe has a right to expect that the United States will not shirk its obligations. The United States cannot play fast and loose with its compacts. It cannot in honor say that Europe shall not take the territory of Latin America in satisfaction for debt or as punishment for the murder of its subjects, and yet at the same time refuse on its own account to take measures to compel defaulting states to pay their just debts or make reparation for their crimes.

The United States by its policy of "hands off" to Europe, and its refusal to accept responsibility for orderly government must be held—and I say it with regret—largely to



blame for the revolution, disorder, and insecurity that have so disgraced Latin America. If there was no Monroe Doctrine, Latin America would have a wholesome respect for British and German battleships. Latin America now laughs at Europe and sneers at the United States and wallows deeper in the pit of anarchy. That, as I see it, is the great result of the Monroe Doctrine. Let me add that I use the term "Latin America" generally, and while some of the states of Latin America are faithful in the observance of their obligations and considerate in their treatment of foreigners in Latin America, as elsewhere, the just have to suffer for the crimes of the unjust.

## CHAPTER XVII

### RECENT LATIN-AMERICAN VIEWS

Possibly 1896 is too far gone to be classed as "recent" but it is interesting to note that a congress was called to meet that year in Mexico City to discuss the scope and meaning of the Monroe Doctrine. Undoubtedly the near fight between the United States and Great Britain over the Venezuelan boundary led to this call. However, only seven states responded, Mexico, Venezuela and the five Central American states, consequently the congress adjourned without action.<sup>1</sup> Why did the other states refuse to send delegates? The writer cannot answer.

The second Venezuelan affair (1902), which prevented European powers from seizing the customs, and possibly some territory, gave rise to many favorable expressions in Latin America on the Monroe Doctrine and on the general attitude of the United States, but when this was followed immediately by the rape of Panama and later by the occupation of Santo Domingo and Haiti the feeling of confidence and trust gave place to suspicion and uneasiness. Mr. Roosevelt himself, whose policy was mainly responsible for this change, said:

An idea had become prevalent that our assertion of the Monroe Doctrine implied, or carried with it, an assumption

<sup>1</sup> Moore, "Dig. Int. Law," VI, 602.

of superiority, and of a right to exercise some kind of protectorate over the countries to whose territory that doctrine applies. Nothing could be farther from the truth. Yet that impression continued to be a serious barrier to good understanding, to friendly intercourse, to the introduction of American capital and the extension of American trade. The impression was so widespread that apparently it could not be reached by any ordinary means.<sup>2</sup>

In the hope of dispelling this uneasiness, which he said was due to a misconception, President Roosevelt took advantage of the meeting of the third Pan-American Conference at Rio de Janeiro (July, 1906) to send his secretary of state, Mr. Elihu Root, to bear a message of good will to the people of South America. In the course of an address as honorary president of the conference, Mr. Root said:

We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights, or privileges, or powers that we do not freely concede to every American Republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and a common growth, that we may all become greater and stronger together.

Within a few months, for the first time, the recognized possessors of every foot of soil upon the American continents can be and I hope will be represented with the ack-

<sup>2</sup> "Speeches of Secretary Root in South America," p. XII, quoted from message of Dec. 3, 1906.

nowledged rights of equal sovereign states in the great World Congress at The Hague. This will be the world's formal and final acceptance of the declaration that no part of the American continents is to be deemed subject to colonization. Let us pledge ourselves to aid each other in the full performance of the duty to humanity which that accepted declaration implies; so that in time the weakest and most unfortunate of our Republics may come to march with equal step by the side of the stronger and more fortunate. Let us help each other to show that for all the races of men the liberty for which we have fought and labored is the twin sister of justice and peace. Let us unite in creating and maintaining and making effective an all-American public opinion, whose power shall influence international conduct and prevent international wrong, and narrow the causes of war, and forever preserve our free lands from the burden of such armaments as are massed behind the frontiers of Europe, and bring us ever nearer to the perfection of ordered liberty. So shall come security and prosperity, production and trade, wealth, learning, the arts, and happiness for us all.<sup>3</sup>

Whatever may have been the feelings of the Latin Americans they were too polite not to be courteous on such an occasion as the visit of a person in the position of Mr. Root. In numerous banquets and state receptions he was warmly greeted and he heard many expressions of admiration and good will for our country. However, very little seems to have been said about the Monroe Doctrine and absolutely nothing about it in its new application. No speaker assured Mr. Root that fears had been allayed by his coming, nor does any reference seem to have been made directly to that part of his speech just quoted. In recounting the names of distinguished friends of Latin America who had been secretary of state, from Jefferson to Hay and

<sup>3</sup> Root's "Speeches," 12-13.

Root, Senator Barbosa did not mention Monroe.<sup>4</sup> Neither did Senator Ellis or Deputy Guimaraes have anything to say of him or his doctrine,<sup>5</sup> though fourteen years later, as we shall see presently, the former was very warm in his praise of the original doctrine and indicated that he felt reassured concerning the present attitude of the United States. One Brazilian, Doctor José Maratino de Souza, Governor of Bahia, referred directly to the doctrine and said that it must triumph "to the benefit of all humanity."<sup>6</sup>

Mr. Root was graciously received in Argentina where, by all odds, the most favorable mention of the Monroe Doctrine came from Señor Emilo Mitre, a member of the Argentine Chamber of Deputies, in a speech delivered before the arrival of Mr. Root on a motion concerning his reception. After giving an account of the attitude of the United States toward the Latin-American struggle for independence from 1811 to the announcement of the Monroe Doctrine he said:

The Monroe doctrine exists to-day with all the force of a law of nations, and no country of Europe has dared to dispute it.

It is fitting, it is worth while, Mr. President, to appreciate exactly the meaning of this great act, of the splendid attitude, more fertile for the peace of the earth and for its progress than all the conventions that European nations arranged from time to time in order to suspend their quarrels. The American President, in formulating this doctrine, decreed peace between Europe and America, which seemed fatally destined—the former to assault always for conquest, the latter to fight always to defend its frontiers. In short, the Monroe Doctrine has been the veto on war between Europe and America; in its shadow these youthful

<sup>4</sup> Root's "Speeches," 45.

<sup>5</sup> *Ibid.*, 29, 55.

<sup>6</sup> *Ibid.*, 31.



nations have grown which to-day are sufficiently strong to proclaim the same doctrine as the emblem on their shield. And the most glorious characteristic of this device is that it is a dictate of civilization in the nature of a magnificent hymn of peace which can be chanted at the same time by the European and the American nations, because it avoided that permanent contention that would have subvened if the system of conquest that Europe has developed in regard to certain nations had been implanted here in the territory of South America.<sup>7</sup>

It will be noticed that Señor Mitre had nothing to say of the Monroe Doctrine of 1906. Señor Drago, author of the Drago Doctrine against the forcible collection of debts, in a speech in the course of a banquet at the opera house in Buenos Aires, said that the names of Washington, Jefferson, Madison, and Quincy Adams (*sic*) were household words in Argentina. The omission of Monroe's name seems significant, not to say queer. Certainly Argentina was not particularly enthusiastic about the original Monroe Doctrine. Later on Drago indirectly refers to the Monroe Doctrine when he says that Argentina had proclaimed the Drago Doctrine against financial oppression as complementary to the "traditional policy of the United States," which, "without accentuating superiority or seeking preponderance," condemned "the designs of Europe to oppress the nations of the New World and control their destinies."<sup>8</sup>

In Chile, which was suffering from a great earthquake, the speeches were few and brief with no mention of Monroe. In Peru Señor Ugarteche, minister of foreign affairs, referred to the "pillars of Hercules of the Monroe Doctrine as originally proclaimed, form-

<sup>7</sup> Root's "Speeches," 130-1.

<sup>8</sup> *Ibid.*, 152, 154.

ing an impassable gateway to a free and unconquerable America," and seemed to be satisfied with "the policy of President Roosevelt and of his secretary of state, Mr. Root."<sup>9</sup> In Colombia the brief speech of Señor Vasquez-Cobo, minister of foreign affairs, in which he greeted Secretary Root as "the herald of peace, of justice, and of concord,"<sup>10</sup> must have sounded like hollow mockery in his own ears as he remembered Panama.

Indications of a growing friendship between the United States and Brazil subsequent to Mr. Root's visit, including special mention of the fact in the message of President Alves and the simultaneous raising of the diplomatic representatives to the rank of ambassadors, gave rise to hostile criticism in Brazil by some who claimed to speak for the old empire in showing contempt for the Monroe Doctrine. In answer to such criticism an anonymous article was published in the *Jornal do Comercio* of Rio de Janeiro (January 20, 1918) in which the author showed from documentary evidence that the empire had been friendly toward the doctrine.<sup>11</sup> The importance of this at this place in our study lies, not in the attitude of imperial Brazil, but of republican Brazil in 1908.

At the fourth Pan-American Conference (1910) an attempt was made by the Brazilian delegate to secure the adoption of a resolution by Latin America sending to the United States "an expression of her thanks for that noble and unselfish action [proclamation of the Monroe Doctrine] which has been of such great

<sup>9</sup> Root's "Speeches," 195 f.

<sup>10</sup> *Ibid.*, 263.

<sup>11</sup> "Brazil, the United States and the Monroe Doctrine," Attributed to Baron de Rio Braneio, Minister of Foreign Affairs. Translated and republished in the United States.

benefit to the entire New World," but the Chilean delegate, Alejandro Alvarez, minister of foreign affairs, objected to the phraseology and insisted that a distinction should be made between the Monroe Doctrine on the one hand and the hegemony of the United States in America and her imperialistic policy on the other. As the delegates could not agree on the form of the resolution the matter was dropped.<sup>12</sup>

While Mr. Roosevelt's scientific expedition to South America (1913-14) had no political significance, the coming of so distinguished a man could not have been ignored, even if such had been desired, and he was invited to various capitals. He was greeted with courtesy and cordiality by many, though there were some indications of disapproval, notably in Chile where a demonstration was staged against him by Colombian students, possibly due to suggestions from the Colombian government. In Buenos Aires Dr. Zeballos, former minister to the United States, in an address of welcome, said that Argentina had grown rich, powerful and cultured and no longer needed the protection of the Monroe Doctrine. In his reply Mr. Roosevelt said that the intent of the Monroe Doctrine was to save America from the fate of Africa. As rapidly as the American nations acquired "stability and the prosperity that comes with stability, the self-respecting insistence upon rights to others and exacting rights from others," just so rapidly would such country "become itself a sponsor and guarantor of the Monroe Doctrine" toward which the attitude of the United States must be that of equal speaking to equal.<sup>13</sup>

In Santiago he spoke in somewhat the same vein,

<sup>12</sup> *Annals of the Academy*, 37:602-8.

<sup>13</sup> *Independent*, 76:328.

explaining his actions in Panama and Santo Domingo and his attitude toward the more advanced nations of the South. Every such nation, said he, should become sponsor for the doctrine on terms of equality. With the progress of time it would cease to be unilateral and become "a common agreement among all the nations of the New World." In a burst of enthusiasm he is reported to have told Chile that, had Santo Domingo been in the Pacific, he would have called on her to police the island.<sup>14</sup> But is that equality?

In his account of his speech Mr. Roosevelt mentions the speech of Senator Bulnes, who, "with singular justness and fairmindedness," touched on the relations of the United States and Latin America and praised his "piercing of the Isthmus of Panama." He also mentions Dr. Walker Martinez, minister to Washington during his Presidency, who, he says, agreed with him on the Monroe Doctrine, but he does not mention Don Marcial Martinez, the "grand old man" of Chile, whom Yale University honored with the LL.D. before Roosevelt became civil service commissioner and whom the University of Chile selected to welcome the ex-President. In his address of welcome Señor Martinez said:

My opinion, frankly stated, is that the Monroe Doctrine *lived*, that is to say, has now ceased to exist. It is an antiquated document, and the supposition that it is now in force is an anachronism.<sup>15</sup>

Under the circumstances he probably did not feel at liberty to say more, but later, as we shall see, he said much more.

<sup>14</sup> *Outlook*, 106:636.

<sup>15</sup> Quoted by Bingham in *Proceedings Amer. Soc. Int. Law*, 1914, p. 193.

The opinions given so far were official or semi-official and given on state or semi-state occasions. A few were a little more laudatory than was demanded by that courtesy characteristic of the Castilian and perhaps some were really genuine, but some of the speakers were careful to praise only the original Monroe Doctrine and some were altogether silent regarding it. No doubt many private individuals have thought well of the doctrine, but the current of private opinion as gathered by travelers, traders, and correspondents seems to run strongly in the other direction.

A short time before the arrival of Mr. Root in Peru the *Gaceta Comercial*, a leading journal of that country, published an article taking the view that the modern Monroe Doctrine was simply a manifestation of dollar diplomacy. The "Colossus of the North," it said, had no capacity for friendship untouched by gain. The writer closed with this prediction: "It is probable that the Monroe Doctrine, manipulated by the North Americans to obtain the monopoly of commercial advantages, will some day lead the United States into a war with all the other nations of the world."<sup>16</sup>

A month after welcoming Mr. Roosevelt Señor Martinez, freed from the restraints of such an occasion, wrote in *El Mercurio*:

That doctrine has been explained, diversified, distorted, and falsified at the pleasure of idealistic writers and of politicians. In these days, it is proposed to abuse Monroeism by making it produce results precisely contrary, opposite, and antithetical to those which President Monroe clearly contemplated. That which now is desired is that the United States, either alone or in league with other American Powers would, with the approbation of the European

<sup>16</sup> *Review of Reviews*, 34:244.



Powers, be able to intervene, without calculating how far intervention might carry them, in all the disturbances which occur in this hemisphere. To this new political theory, they (i.e. "T. R." et al.) pretend to give the term Monroeism, by a gross euphemism. This is not only undignified, but absolutely laughable, and it is difficult to understand how persons who consider themselves to be statesmen can wish to take part in such a comedy before the world!

To this new policy we can give no other name than that of imperialism or hegemony. I should call it Napoleonism.

Far be it from me to place any obstacle in the way of the expansion and increase of the colossal nation which is called the United States. But for the universal interest as well as for its own, I desire that things should be called by their right names; that we should have in America fair play; that nobody should be cheated by juggler's tricks; and that progress shall be sought by the right road, and by one which leads really and sincerely to equality among nations.<sup>17</sup>

"Damn the Monroe Doctrine,"<sup>18</sup> said an Argentine friend to Professor Blakeslee in 1908. "We don't want any Papa," replied a prominent Chilean when asked his opinion of the doctrine and Dr. Perez, an experienced Chilean diplomat, said that the doctrine implied a moral subordination to the United States which is repulsive to the national feelings of the Young Republics.<sup>19</sup> Said a Brazilian, "Sixty per cent of our educated people distrust the United States, and believe that the Monroe Doctrine is simply pre-empting territory which the United States wants until it is fully ready to seize it."<sup>20</sup> A similar expression was given out by Señor A. Alvarez (1910) after he had left the foreign office, and by other men of prominence. Edi-

<sup>17</sup> *Proceedings Amer. Soc. Int. Law*, 1914, 194.

<sup>18</sup> *Ibid.*, 184.

<sup>19</sup> *N. A. Review*, 198:779.

<sup>20</sup> *Ibid.*, 780.

torial writers in the leading journals, like *La Prensa* (Buenos Aires) and *El Mercurio* (Santiago) freely express their distrust. An American business man who had traveled up and down both coasts several times said: ". . . as soon as I sail from New York City I try to forget all about the Monroe Doctrine, and never mention it if I can possibly help myself. It only does harm to our business. They all dislike it down there." <sup>21</sup> An engineer who had resided many years in South America said that the two principal results of the doctrine were, hatred of the United States by the leading, upright nations and an attempt at evasion of responsibilities by other Latin-American countries which, while willing to use the doctrine for such a purpose, yet equally hate its originators. Viscount Bryce testifies that the wild talk about the doctrine often heard in the United States excites suspicion and alarm, creating the impression that the United States intends "to claim a sort of protectorate over the other American republics, than which nothing could more offend Spanish-American sentiment." <sup>22</sup>

This is not surprising when Mr. Roosevelt was saying that "To maintain the Monroe Doctrine we must see that order is kept in the Latin-American republics" and he and his successors were sending marines to keep order and men like Champ Clark were reputed to be saying that our realm extended to Tierra del Fuego.

The coming of President Wilson to the Presidency and the expression of sympathetic and idealistic views, notably in his Mobile Address, produced temporarily at least, a change in the attitude of many Latin

<sup>21</sup> *Proceedings Amer. Soc. Int. Law*, 1914, 185.

<sup>22</sup> *Ibid.*

<sup>23</sup> Robinson and West, "The Foreign Policy of Woodrow Wilson," 199-201.

Americans. Even the people of the Caribbean hoped for better things. Why should they not? In the Mobile Address (1913) President Wilson assured them that the future for this hemisphere was going to be "very different," that Latin Americans were going to be freed from exploitations by foreign capitalists, that the United States was going to be their friend "upon the terms of equality" and "of honor," and that she would "never again seek one additional foot of territory by conquest." A little later he said that under the Monroe Doctrine, "We had made common cause with all partisans of liberty on this side of the sea, and have deemed it as important that our neighbors should be free from all outside domination as that we ourselves should be." <sup>24</sup>

Fortunately almost at the same time Mr. Roosevelt was telling the A B C powers that the time had come when they no longer needed the protection of the Monroe Doctrine and might become sponsors for it. All these things naturally produced a better feeling in the Latin-American countries, though they, especially the Caribbean states, could not forget our high-handed procedure in Panama, Santo Domingo, and Nicaragua.

Writing in 1914 Policarpo Bonilla, ex-President of Honduras, said that after the annexation of Texas and California, "the Monroe Doctrine instead of being considered as a guarantee of independence by the Latin-American countries, was regarded as a menace of their very existence." This uneasiness had been increased by a train of events extending from the war with Spain to the occupation of Santo Domingo and Nicaragua. But happily President Wilson had announced

<sup>24</sup> Robinson and West, 81.

a new doctrine, a doctrine of sympathy instead of territorial and economic conquest. This Monroe-Wilson Doctrine should be hailed with delight.<sup>25</sup> Latin America would wait for him to do justice to Porto Rico, Colombia, Mexico, Santo Domingo, and Central America.

The A B C powers took him at his word that there should be coöperation and sought to mediate between the United States and Mexico. Though the results were far from satisfactory, the incident undoubtedly had a good effect on Latin-American sentiment.

But as the Mexican situation went from bad to worse and President Wilson, after saying that the Monroe Doctrine "demanded merely that European governments should not attempt to extend their political systems to this side of the Atlantic," but "did not disclose the use which the United States intended to make of her power on this side," added that it was "just as much to our interests to assist each other to the orderly processes within our own borders as it is to orderly processes in our controversies with one another,"<sup>26</sup> and proceeded to establish martial law and military governments in Haiti and Santo Domingo, the old spirit of uneasiness revived. Salvador, no doubt wondering to what lengths the doctrine under such interpretation would lead, requested the State Department to define it (1919).<sup>27</sup> In this request she had already been anticipated by the Honduran delegates at the Peace Conference at Paris when the doctrine was up for the reservation in the Covenant of the League of Nations.<sup>28</sup> The reply to Salvador—the Hon-

<sup>25</sup> Bonilla, "Wilson Doctrine," 3-9.

<sup>26</sup> Robinson and West, *loc. cit.*, 300-2.

<sup>27</sup> N.Y. *Times*, Dec. 22, 1919, 1:2.

<sup>28</sup> *Ibid.*, June 14, 1919, 2:5.

duran delegates got no reply—was evasive (she was referred to the speeches of President Wilson), whereupon Salvador proposed a Latin-American Alliance with the United States left out.<sup>29</sup> While this proposal met with no response from the governments, it found an echo in Buenos Aires, where Lucio Mureno Quintana, a lawyer and a grandson of a former president, denounced the Monroe Doctrine in an address to law students and called for a Latin-American League.<sup>30</sup>

The Great War had brought about an increase of economic interest between North and South America and, in its earlier years, an increase in friendly spirit. However, the events named and the policy outlined above tended to dampen the spirit of friendship, and after the war there was also a decline of economic interest, as well as of friendship. This was partly due to the high rate of exchange, which the South Americans attributed to the greed of New York bankers, and to the policy of the government in the Caribbean and in Mexico. These and other things were kept before them by a more or less active propaganda. One of the most persistent and bitter of the propagandists was Manuel Ugarte, a native of Argentina, who had published a book in 1911 on "The Future of Spanish-America," warning Latin America to "beware of the Yankees." After this he had traveled up and down South America speaking on the same subject and in 1920 brought out a new edition of his book with new material and stronger expressions of hate. In the minds of South Americans President Wilson not only had not followed the policy announced in the early days of his administration, but he and his party

<sup>29</sup> *Southwest American*, April 9, 1920.

<sup>30</sup> *N. Y. Times*, Oct. 22, 1920, 7.



had been repudiated. What could they now expect from the party which had inaugurated the vigorous Latin-American policy?

In 1920 President Wilson had two party calls still unpaid, one on President Brum, of Uruguay, and one on President Passoa, of Brazil. Not being able to go himself he decided to send Mr. Bainbridge Colby, secretary of state, to return these calls and incidentally to counteract some anti-American propaganda. It may be added here that other states extended an invitation for a visit, but Mr. Colby declined for lack of time. Under such circumstances the reception could hardly have been anything but cordial. On this occasion Senator Alfredo Ellis (Brazil), who had had nothing to say about the Monroe Doctrine when welcoming Secretary Root, now said:

To your great nation as the older brother of the seventeen republics of the New World was reserved the hard task of watching over the safety and liberty of the whole family. That program was defined and is known throughout the world as the Monroe Doctrine. Many think that the Monroe Doctrine means that the whole continent is to be considered as a hunting ground for the Americans on account of their power and preponderance over their weaker brothers. Luckily your great President, Mr. Woodrow Wilson, when speaking to the Mexican people, defined lately the clear spirit and true signification of the so-called Monroe Doctrine. It is a doctrine of defense.

It was a compromise to defend the American republics against the ambitious incursions and plans of Metternich's holy alliance to recolonize America anew.

In proclaiming that doctrine the American Government became the champion of liberty throughout the New World. No one of sound mind can imagine that Washington's sword should be used as an instrument to plant the seed of oppression over all America, instead of that of liberty on both continents. Washington was not only the Father of

his Country, but he is considered throughout the Americas as the father of democracy and the great champion of liberty. No one can imagine our older brother as a pirate of old, or transformed into a feudal lord of the Middle Ages, enriching himself at the cost of surrounding neighbors instead of preaching over the land the principles of justice, right and liberty.

No one can suppose that your powerful nation, the most fronded tree of the republican forest, would need for its enormous growth and development the sap of sister trees growing confidently under its beneficial and friendly shade. Our national purposes are the same, there are many points of similarity in our history, and our progress is directed along similar, related lines. For more than a century there has been no rift in the cordial good-will that has marked our mutual relations. Each year there seems to be a deepening sense of this great and salutary fact. How fortunate that two great nations should be engaged in the common task of administering expanding interests!

Confidence in our respective institutions has stood the test of time and trial. We face future problems with a confidence born of the past and patience and noble striving to redeem errors, and in that temper let us each, in our own sphere, approach whatever lies before us with the assurance of faith, remembering that there is an interdependence among nations, not only in the matter of products and capital, but in mind and spirit. The great moral resources that make the peace and security of nations can only be nurtured in relations of sympathy and friendship.”<sup>31</sup>

It will be noticed that this speaker, although he lauds the original Monroe Doctrine, manifests a spirit of uneasiness when he says, “No one can suppose that your powerful nation, the most fronded tree of the republican forest, would need for its enormous growth and development the sap of sister trees growing confidently under its beneficial and friendly shade.”

<sup>31</sup> N.Y. *Times*, Dec. 24, 1920, 10:8.

Speaking for the Deputies Don Benito de Miranda said:

The history of your country is full of great deeds, for which your nation may well be proud. To my mind there are two culminating points for the well-being of America and the reconstruction of Europe. The first was when President Monroe proclaimed the doctrine raising a barrier against the pretentious appetites of the Holy Alliance. The second was when President Wilson a century later launched his historic Fourteen Points, clearly showing the Europeans, long consumed with odious rivalries, what should be taken henceforth to be the American ideas for their guidance. Brazil always has been on your side and has contributed to the small extent within her power toward the consummation of your ideals. She will continue to support them.<sup>31a</sup>

A correspondent who accompanied Mr. Colby decided that the Brazilians were about equally divided on the Monroe Doctrine. About a year later Professor Charles Sarolea, of the University of Edinburgh, who had traveled extensively in Brazil, wrote:

I have noticed a tendency among a not inconsiderable section of the Brazilians—and that tendency seems to be growing—to look upon the United States not as a magnanimous ally and friend, but as a potential rival and enemy. I have noticed a tendency to look upon the Monroe Doctrine not as a guarantee of, but as a possible menace to, national independence. Those suspicious patriots declare that the Brazilian people have long passed the stage when they required the protection of a foreign power. They abhor the very suggestion of alien political patronage. They consider the Monroe Doctrine as a disguised form of imperialism. They look with suspicion at every American move in Panama or Mexico. And, above all, remembering that they are themselves a mixed race with a considerable proportion of

<sup>31a</sup> N.Y. *Times*, Dec. 24, 1920, 10:8.

negro and Indian elements, they resent any assertion of racial superiority.

I have discussed the future of North and South American relations with many representative Brazilians of the nationalist persuasion. In vain did I point out that American foreign policy has always exercised the most remarkable and commendable self-restraint, that the dread of American interference was the delusion of mid-summer madness, that there would be no conceivable analogy between Mexico and Brazil, that the United States had a coterminous frontier with Mexico extending for thousands of miles, and that no American Government could tolerate on that frontier a continuance of anarchy and murder. In vain did I point out that such an attitude of suspicion and aloofness could only damage Brazilian interests, that Brazil had an urgent need of American capital for the development of her stupendous natural resources, and that the most cordial co-operation with the United States was therefore a vital Brazilian interest. My Brazilian friends would reply that, quite apart from any immediate political peril, even economic penetration presented its own dangers; that it might create a commercial monopoly which American trade might easily abuse, as had actually happened during the war; that such economic penetration might be the thin end of the wedge of political penetration; that if at some not very distant future there should supervene one of those chronic depressions in the rubber or coffee industries, and if American investments in those industries happened to be in jeopardy, the pressure of American capitalists might easily supply a plausible pretext for political intervention; that therefore the very instinct of political self-preservation ought to impel the Brazilian people rather to seek a closer co-operation with European nations, and especially with the Latin nations, than with the United States of North America.<sup>32</sup>

In Uruguay the reception accorded to Mr. Colby was particularly cordial. Dr. Jovier Mendivil, chairman of the foreign relations committee of the Senate,

<sup>32</sup> *Times Current Hist. Mag.*, XVI, 98.

assured him that Uruguayans had a thorough comprehension of the Monroe Doctrine and understood that "it did not imply or involve any right on the part of the United States to compromise or dominate the independent sovereignty of any American state." Pan-American solidarity with the Monroe Doctrine as the foundation was the main theme of discourse, President Brum dwelling on this and President Wilson's idealism, which, he said, represented the spirit of free America.<sup>33</sup> That President Brum's words were not dictated merely by courtesy is indicated by the fact that he spoke at length on the Monroe Doctrine the following year in an address at the University of Montevideo:

It may be affirmed that the European conquests in America have been prevented hitherto by the influence of the Monroe Doctrine. Neither in the nineteenth century nor at the beginning of the present century has there existed in Europe any power strong enough to venture to annex American territories at the cost of a war with the United States. I do not mean to say that some of them were not stronger than that country, but, because of rivalries that existed amid the passions of the Old World, none of them would have attempted to provoke her, because the situation in which this would have involved such a power would have been used against it by its traditional enemies.

Under these conditions conquests in America would have been difficult, sanguinary and expensive, and therefore the expansionist peoples of Europe have preferred to satisfy their needs and desires with the easier solution afforded them by the almost undefended territories of Africa, Asia and Oceanica, which were also possessors of great wealth.

In this manner, throughout all the past, the Monroe Doctrine has constituted an effective safeguard for the territorial integrity of many American countries, and it acquired characteristics of marked timeliness when the Pan Germanic propaganda, based on the military preparation

<sup>33</sup> N.Y. *Times*, Dec. 30, 1920, 8:2.



of Germany, caused to be discerned the possibility that this power might, in case of a victorious war in Europe—which would wipe out the martial effectiveness of her rivals and free her of all concern regarding them—decide to effect the conquest of rich American lands without fear then of the power of Washington's country.

The German danger to the territorial integrity of Latin America, already glimpsed in 1914 and in 1917, was accentuated in 1918, when the German offensives of March and April—and the entrance of the United States into the war—came thus to have the meaning of an anticipated application of the Monroe Doctrine, it being done not only in her own defense, but also in that of the American peoples, threatened by the ambition of Pan-Germanism.

Uruguay understood the gravity of that historic moment, and she did not hesitate to join North America.

The condition of the European powers since the war has been such that it may be affirmed that danger of conquests by them in America has been removed for many years.

Is this, however, the ground on which to become careless as to the future by repudiating the Monroe Doctrine on the pretext that it is not now necessary to us?

I think it is not, for to-day more than ever, we ought to display our foresight by seeking formulas that will for ever assure the peace and full independence of the American countries.

In order to achieve this result, it is necessary to intensify and direct our sentiments of solidarity.

The Monroe Doctrine is the only permanent manifestation of solidarity of one American nation with the others of the continent; and I say this because it is the only one that has persisted for a century, inasmuch as those formulated by other countries only meet the needs of the political exigencies of an historical moment without the later generations having considered themselves under obligation to uphold them as protective norms of foreign policy.

It is said that the Monroe Doctrine is concerned solely with the self-interest of the United States and that it is in a certain way irritating to the nations of America, because it constitutes something like a protectorate over them.

I conceive it to be unreasonable to begin to inquire whether general acts benefit or not the country that achieves them. They may involve, and they almost always do involve, an object of self-interest, although it be only of a moral nature, without their losing on this account their intrinsic value. What ought to be considered therefore is the good they produce.

According to the Monroe Doctrine, if an extracontinental power should attempt to conquer a country of America, such a country would count on the help of Washington's country.

Is not this a blessing to all? Is not this a practical and effective manifestation of true solidarity?

It has been affirmed by the enemies of the Monroe Doctrine that this attitude of the United States might wound the sensitiveness of the country attacked, which would receive protection even without asking for it; but, besides this remark's lacking all seriousness, the difficulty that it points out would be obviated if the American countries should formulate a declaration, similar to that of Monroe, in which they would engage to intervene in behalf of any one of them, including the United States, if, in the defense of her rights she should find herself involved in a war with an extracontinental nation.

A declaration to this effect, incorporated in the international obligations of each country, would bring them all into a position of great dignity by placing them on a footing of perfect moral equality with the United States.

Its practical application would be as follows: if Uruguay, for example, were attacked by a transoceanic power, the United States and the other American countries would intervene in her defense; and if the aggressor were the United States, Uruguay, with the other sister countries of the continent, would support her action against the unjust aggressor.

Thus the Monroe Doctrine, proclaimed as the present norm of foreign policy by the United States alone, would be changed into a defensive alliance between all the American countries, based on a lofty sentiment of solidarity, with reciprocal obligations and advantages for all of them.<sup>34</sup>

<sup>34</sup> *Inter-America*, V, 292; *N.Y. Times*, May 2, 1920, II, 9:4.

In view of the fact that Irigoyen, who kept Argentina neutral in spite of all the pressure of the Allied and Associated Powers, was still President, it is not surprising that Mr. Colby's reception in Buenos Aires, though officially correct, lacked the spontaneous cordiality which was evident in Uruguay. Although Henriquez y Carvajal had preceded him in South America, ostensibly to arouse South American interest in Santo Domingo and perhaps to spread some anti-American propaganda, his activity probably had little to do with the attitude of the Argentines. Rather it is to be explained by the conditions given at the beginning of the account of Mr. Colby's visit and to fixed ideas on the Monroe Doctrine. A few weeks before Mr. Colby arrived Dr. Wenceslao Tolle, dean of the law school in Buenos Aires, said: "Monroeism is a grave imperialism. . . . North America . . . is pursuing a policy of expansion and she is marching to her ruin, unless she stops in time." <sup>35</sup>

However, even here the reception was marked by something more than official courtesy. *La Epoca*, the official organ, said that the friendship uniting Argentina and the United States was not "banal sentiment," and President Irigoyen not only embraced Mr. Colby on his departure, a mark of respect reserved for friends, but also sent him a wireless after he had gone. Here also, in particular, Mr. Colby tried to counteract some of the "sinister propaganda" which tended to alienate the two countries. On the question of exchange he assured the Argentines that American bankers were not to blame, but were cudgeling their "brains and having recourse to every expedient" ingenuity could suggest to correct the disparity. He also assured them

<sup>35</sup> *Inter-America*, V, 299.

that our policy in Santo Domingo and Haiti had no tincture of imperialism and that the Monroe Doctrine was only a protecting arm for all America, including the United States.<sup>36</sup>

There can be no doubt that the visit of Mr. Colby had a wholesome effect, that it accomplished more than the visit of Mr. Root fourteen years earlier, at least in the countries visited, but it can hardly have produced any effect on the west coast. Those countries, especially Bolivia, had not forgotten a note from the State Department called forth a few months before by an anti-Peruvian street riot in La Paz, in which it had said that "it viewed with the greatest apprehension the attack by a mob on the Peruvian Legation at La Paz" and that "any agitation tending to endanger peace would be a calamity." Peru, Bolivia and Chile all were told that the United States would "deplore" mobilization in any of the countries, and Chile was informed that she was expected to prevent fighting on the coast. The fact that these nations were members of the League of Nations was given no consideration by the United States.

"Such precipitate action," said the Santiago *El Mercurio*, "was unjustifiable, and lessens the feeling of friendship for the United States." In distant Buenos Aires *La Prensa* spoke of an "arrogant diplomacy" which treated the South American republics as if they were pupils and the State Department the teacher. "The Monroe Doctrine of this epoch," it concludes, "is nothing less than an aspiration to dislodge European influence."<sup>37</sup>

The defeat of the Democratic party, which had

<sup>36</sup> N.Y. *Times*, Jan. 4, 1921, 4, and Jan. 28, 5:2.

<sup>37</sup> *Literary Digest*, April 17, 1920, p. 40.

championed the policy of President Wilson, gave the Latin Americans no cause to hope for a better policy except where they took campaign pledges at face value.

The Santiago *El Mercurio* said that "the high humanitarian idealism of Wilson" had been defeated and that surely the Harding administration would not continue his policy. However, it hoped that its "opinionated pride and imperialism" would be "modified by the requirements of the times and the new currents dominating the world."<sup>38</sup>

Curiously enough, about the same time that private citizens were denouncing the Monroe Doctrine, Chile found it convenient to take refuge under the doctrine. In a war closed under the treaty of 1884 she had despoiled Bolivia of considerable territory and Peru of the Tacna-Arica district. The treaty provided for a plebiscite, but it never was held. When the League of Nations was organized Bolivia asked the Council to take up the dispute with Chile, whereupon Chile notified the Council that the Monroe Doctrine would not allow this. Washington had nothing to say on the subject and the Council pigeoned-holed the request. Another request in 1922 met with no better results.

In 1922 Secretary Hughes went to Rio de Janeiro to attend the celebration of the hundredth anniversary of Brazilian independence. This was a gala occasion and anything but cordiality would have been out of keeping with the Latin-American spirit. In anticipation of this visit Jorge Mitre published in *La Nacion* (Buenos Aires) an article on "An Inter-American Realization," which was translated and republished in the *Jornal do Commercio* at Rio de Janeiro.<sup>39</sup> In this

<sup>38</sup> N.Y. *Times*, Jan. 1, 1921, 7:3.

<sup>39</sup> Sept. 5, 1922.



the writer refers to the Monroe Doctrine as a lofty idealism which had served a useful purpose and to Pan Americanism as a concrete expression of coöperation. As Europe, says he, has recently demonstrated, especially at Geneva and The Hague, that war settles nothing, it is time for the states of the Pacific, under the inspiring leadership of the United States, to confirm the fundamental principles of peace and friendship set forth in the protocol of Washington concerning the treaty of Ancon for the settlement of the trouble between Chile and Peru.

Secretary Hughes certainly played well his part in confirming the spirit of good will and the response was hearty, going beyond the demands of simple courtesy.

Something has already been said of the attitude of the Caribbean states. The ink on the reply to Salvador's request for a statement of the Monroe Doctrine was hardly dry when another illustration of American domination was furnished in the Panama-Costa Rica dispute. An old boundary dispute between Costa Rica and Colombia had been inherited by Panama. It had been submitted to President Loubet, who made an award in favor of Costa Rica in 1900, but Panama, now independent, refused to accept the award and secured another hearing. However, the second award, by Chief Justice White (1914), was not acceptable and she finally undertook to keep the Costa Ricans out of the disputed area (1921). War was imminent, whereupon the United States warned both countries not to fight and hastened war vessels and marines to the scene of action. Costa Rica and Panama now appealed to the League of Nations, of which both were members, and the Council started an investigation, but waited to see

what the United States would do. Both countries now notified the League that they had accepted the mediation of the United States and were commended for doing so. To the chagrin of Panama Secretary Hughes told her that she must accept the White award. An appeal to President Harding brought no results and Panama announced that she would not submit, and asked for a decision at The Hague and appealed to the treaty of Versailles, but was ordered not to fight any more and this order was backed up by the sending of more marines. Minister Garay then protested against the "seizure" of the disputed territory and left Washington and President Parras ordered the flags of Panama to be half-masted for a month.<sup>40</sup> Even this token of sorrow was not allowed to pass unnoticed and Panama was informed that it was not viewed with favor in Washington.

The attitude of Mexico toward the doctrine has changed with changing conditions. Porfirio Diaz, who had cause to remember the friendly aid of Seward in driving the French out of Mexico and who, as President, had invited American capital to come in and exploit his country, naturally looked upon it with favor. Yet even he was not disposed to leave it all to the United States. Writing in 1905 he said that the Monroe Doctrine was one of the "paramount interests" common to the two countries. But, in his opinion, "the obligation of assisting the other republics of this hemisphere against the attacks of Europe or Asia" did not belong to the United States alone. On the contrary,

. . . each of the republics ought by means of a declaration like that of President Monroe, to proclaim that every

<sup>40</sup> Full account in *N.Y. Times*, February–September, 1921.

attack upon the part of a foreign power, with the view of curtailing the territory, or independence, or of altering the institutions, of any one of the Republics of America would be considered . . . as an attack upon itself, provided that the other nation directly attacked or threatened in such manner bespoke the aid of the other nations opportunely. In this manner the doctrine now called by the name of Monroe would become the doctrine of America in the fullest sense of the word, and although originating in the United States, would belong to the International Law of the American Continents.<sup>41</sup>

Later, as we have already seen, another Latin-American President, Dr. Brum, was to propose far more seriously that the Monroe Doctrine be made an American Doctrine.

After the overthrow of Diaz the situation was somewhat different. Although the United States really helped Carranza to gain the ascendancy, he never "bespoke the aid of the other nations," particularly the United States, to help him maintain order and the punitive expedition under General Pershing rendered his hold on power more precarious, consequently he became anti-American. The inclusion in the covenant of the League of Nations of a reservation on the Monroe Doctrine gave him occasion to announce to all the governments represented at Paris that "Mexico had not recognized nor would recognize this doctrine, because, without the consent of all the people of America, it would establish a criterion and a situation regarding which they had not been consulted, and therefore this doctrine attacks the sovereignty and independence of Mexico and would set up and establish a tutelage over all the nations of America."<sup>42</sup> As a

<sup>41</sup> *Collier's Weekly*, April 1, 1905, 18.

<sup>42</sup> *Inter-America*, V, 296.

further mark of displeasure his minister was withdrawn from Paris and his representative in Brazil, A. Saenz, declared that the doctrine was a peril to Latin-America.<sup>43</sup>

Cubans differ, as other Latin Americans differ, on the Monroe Doctrine. Raúl de Cárdenas, a Cuban lawyer, writing in 1921, analyzed the doctrine, particularly in its later aspects, and decided that it was good, though some of the specific acts done in carrying it out, such as the establishment of military government in Santo Domingo and Haiti, were not. The State Department he cleared of economic imperialism, though admitting that American capitalists did profit by the realization of its political aims.<sup>43a</sup> Exactly the opposite view is taken by a young Cuban just out of the law school, Felix Perez Porta, who declares that "the United States has always striven to obtain concessions of all kinds at the cost of the sovereignty of the Hispanic-American states" and that "one of Mr. Wilson's greatest marks of glory consisted in his tendency to suppress the unfortunate [Monroe] doctrine, which has only served as an instrument of domination on the part of North America."<sup>44</sup>

In the summer of 1922, when the executive department of Cuba, in trying to straighten out its finances, was considering a foreign loan most of the Havana papers charged that American financiers were attempting "to force on Cuba another \$15,000,000 obligation in order to bring the country completely under their control, open the way to fiscal intervention and place the island in the same category as Haiti, Santo Domingo, Nicaragua, and Panama." Party leaders of

<sup>43</sup> N.Y. *Times*, April 3, 1920, 15:8; "Amer. Year Book," 1919, 129.

<sup>43a</sup> *Inter-America*, IV, 271-284.

<sup>44</sup> *Inter-America*, V, 296, 298.

both houses of the Cuban Congress opposed the loan, denouncing it as "another link in the golden chain binding Cuba to the chariot of the United States." <sup>45</sup> The fact that Major General E. H. Crowder, personal representative of President Harding, was in Havana at the time and was urging the loan, along with four other important measures—modifying the civil service law, improving the system of accounting, an investigation of the floating debt, and making the removal of judges easier—probably added to the spirit of resentment and fear. All the measures were passed by the Cuban Congress and a loan of \$50,000,000 was authorized. In the estimation of a Cuban writer the authority exercised by General Crowder "resembles that which is exercised in other countries by functionaries called 'residents.' " <sup>46</sup>

No doubt this loan, following hard upon others forced on Santo Domingo, Haiti, and Nicaragua, caused Dr. Victor Andres Belaunde, of the University of Lima, to tell the Institute of Politics at Williamstown (1922) that the matter of loans was one of two questions connected with the Monroe Doctrine which have much to do with the relation of the United States to the South American states. The other question was that of recognition of new governments and this, of course, was called out by the attitude of the United States toward Mexico.

As preliminary to this Dr. Belaunde said that Latin-American people could not "accept on the moral ground the so-called pragmatic interpretation of the Monroe Doctrine that gives the United States the

<sup>45</sup> N.Y. *Times*, July 15, 1922, 20:2.

<sup>46</sup> N.Y. *Times Current Hist. Mag.*, XVII, 173; Raúl de Cárdenas in *Inter-America*, VI, 32.



hegemony or supremacy upon the continent." For them "the Monroe Doctrine could only be the expression of the solidarity of all the people of the countries of America in defense of their independence." This theory, he says,

. . . demands the collective recognition of the new governments by all the people of America after a thorough study upon the origin and development of these governments from the point of view of democracy. Solidarity for democracy demands the following of a new policy based first on the collective action of all the countries; second, on the moral and not the economic criterion applied to the recognition.<sup>47</sup>

Again and again, as demonstrated by a perusal of the foregoing pages of this chapter, resentment crops out against a unilateral Monroe Doctrine and the demand grows for an American doctrine of solidarity supported by all.

<sup>47</sup> N.Y. *Times*, Aug. 20, 1922, 16:1.

## CHAPTER XVIII

### PAN AMERICANISM

It is in our power to create a system of which we shall be the center, and in which all South America will act with us. . . . We should become the center of a system which would constitute the rallying point of human wisdom against all the despotism of the Old World.—Henry Clay, 1821.

In ideal Pan Americanism, free from ancient appetites, fraternal republics construct an economic and moral association, formulate aspirations for liberty and for peace which will affect continents grown old in wars of spoliation and slavery.—Calderon, 1916.

Pan Americanism implies the equality of all sovereignties, large or small, the assurance that no country will attempt to diminish the possessions of others and that those who have lost any possessions will have them rightly returned to them. It is, in short, an exponent for deep brotherly sentiment, and of a just aspiration for the material and moral aggrandizement of all the peoples of America.—Brum, 1920.

What is Pan Americanism? The expression seems to have been first used in imitation of "Pan Slavism," "Pan Hellenism," etc., by an American newspaper in 1882 in anticipation of the expected meeting of the first International American Conference, but as yet there is no brief generally accepted definition. To Clay it meant the marshaling of the Latin-American states under the leadership of the United States. Sixty years

later to Blaine it meant peace and commerce, but most of our statesmen have held to the idea of leadership of the United States. To Bolivar and his Latin-American contemporaries it meant an association of equals and most Latin Americans have held to that idea ever since. In recent years, as we shall see, there has been a strong effort to get closer together and this effort has not been without results.

Up to the present we may say that Pan Americanism represents an aspiration rather than an actuality. It looks toward the realization of unity in spirit and purpose, a solidarity of interests (more or less commercial), helpful coöperation, in short, the creation of a sort of all-American patriotism. Now some of the essentials for the realization of nationality and of national patriotism are a common race, a common language and literature, a common history, common ideas of right and wrong, and common economic interests. Several of these are wanting as between the peoples of the South and North. Besides this, in recent years Pan Americanism has had to confront two counter offensives, one for Pan-Hispanic Americanism, the other for Pan Hispanism, both of which lean heavily on the community of race and culture. In view of this it is not surprising that it has not been possible to realize Pan-American solidarity in a day.

While the term "Pan American" is comparatively new, the idea is not. Before the Monroe Doctrine was ever proclaimed Simon Bolivar and other patriots were working for the unification of Spanish America in the struggle for liberty. As early as 1810 the Venezuelan junta sent out a circular letter suggesting a confederation of Spanish-American states.<sup>1</sup> Bolivar longed for

<sup>1</sup> Lockett, "Pan-Americanism," 286.

such unity, but, considering the condition of South America at that time, believed that it would require "the authority of a god and all the intelligence and virtue of men" to carry it on.

By 1822 most of the states had realized independence and Colombia, at the suggestion of Bolivar, drew up articles for a "new federal system," a "society of brother nations," presided over by an assembly of plenipotentiaries which should settle the difficulties which might "arise in the future between peoples who have the same manners and customs" and "promote the common interests of the American states."<sup>2</sup> Treaties were entered into with Peru (1822) and Mexico (1823), and, after her separation from Mexico, with Central America (1825) for a "perpetual union, league, and confederation," and conventions were made for a meeting of the plenipotentiaries in Panama. Chile and Buenos Aires refused to sign, but the latter signed a treaty of friendship and alliance. The military and political situation at the close of 1824 gave new encouragement to Bolivar and he now sent out a circular letter to the former Spanish colonies inviting them to send delegates to the Assembly of the Plenipotentiaries to be held in Panama. The United States and Brazil were not included. The latter was an empire of Portuguese origin. While Bolivar held a great admiration for the United States he seems never to have taken very kindly to its participation in Spanish-American affairs. Monroe's message of December 2, 1823, made very little impression on him and he looked to England rather than to the United States for aid. But the message did impress Bolivar's colaborers and Colombia, Mexico, and Central America all invited

<sup>2</sup> *Ibid.*, 291-2.

the United States to send delegates and Colombia invited Brazil and Great Britain. The invitation to the latter probably was due to Bolivar.

The objects of the congress were to renew the treaty of union, alliance and confederation against Spain, to expose the sinister views of Spain and proclaim the political system of the states represented, to determine the future of Cuba and Porto Rico, to conclude consular and commercial conventions, "to take into consideration the means of giving effect to the declarations of the President of the United States . . . with a view to frustrating any future idea of colonization on this continent by the powers of Europe, and to resist any principle of interference in our internal affairs," to establish in concert the principles of neutrality, and to determine the future of Santo Domingo and Haiti. The instructions to Salazar, minister at Washington, concerning the invitation to the United States were very cautiously drawn. He was told that Monroe's pronouncements were very important to both nations and that the necessity of arriving at a definite understanding with regard to them was becoming clearer every day. To promote this essential object and to present the appearance of a united America it was ardently desired that the United States should be represented at Panama. However, if the publication of such objects seemed likely to prejudice the case, he was to withhold them and give as the ostensible object of the meeting the necessity of reaching some conclusion regarding neutrality. If the United States should send delegates to the first meeting, then the business would be of two kinds: first, *confidential*, to agree upon a plan for giving effect to Monroe's pronouncements; second, *public*, to agree upon controverted points of



maritime law in time of war and so establish friendly relations and promote commerce.<sup>3</sup>

After having had several conferences with Clay Salazar felt free to mention Monroe's pronouncements as topics for discussion and even hinted at an alliance. In addition to the topics listed above, including the future of Haiti, he mentioned the suppression of the African slave trade.<sup>4</sup> The writer has not been able to find Clay's reply to Salazar, but he accepted the invitation of Obregon, the Mexican minister, who had made specific mention of Monroe's pronouncements and generalized on other matters. In his reply to Obregon Clay made it clear that the United States could not enter into any obligations inconsistent with neutrality, nevertheless she would accept and send delegates.

Adams and Clay were heartily for the Congress, but the appointment of the delegates aroused in Congress considerable opposition which was partly political and partly genuine. In response to a resolution of the House asking for details Adams replied at length and in the course of his reply spoke of the possibility of promoting "the welfare of the human race" and laid emphasis on the negotiation of commercial treaties, abolition of private war on the ocean, rights of neutrals, and the future of Cuba and Porto Rico, which Mexico and Colombia were preparing to invade. As for an agreement to maintain Monroe's propositions, the United States should enter into no conventional pact or agreement on this further than a mutual pledge that each of the parties to the compact would "main-

<sup>3</sup> Lockey, 326 f.

<sup>4</sup> International American Conference, IV, 27-30, Fifty-first Cong., 1st sess., Sen. Ex. Doc., Vol. 55, No. 232.

tain the principle in applications to its own territory. In all our dealings with the sister republics we should be moved by the spirit of disinterestedness and good will." <sup>5</sup>

The Senate committee on foreign affairs had made some caustic criticisms of the proposition to send delegates to Panama, but hearing President Adams' message the House committee on foreign affairs voted that they should be sent, though the House, on motion of James Buchanan, voted 99 to 95 that we ought not to make any alliance with the Spanish-American republics or become party to any joint declaration for the purpose of preventing European colonization or interference.<sup>6</sup> The appointment of the delegates was finally confirmed, but considering what had happened, Clay could only instruct, on the crucial point of maintaining the Monroe Doctrine, that each nation must protect itself.

Only four Spanish-American states were represented at Panama, Colombia, Central America, Mexico, and Peru. Chile, Bolivia, and Brazil had accepted the invitation and the last two appointed delegates, but they did not arrive in time. One of the delegates from the United States died on the way, the other did not leave home until the Congress had adjourned, when he started for Mexico to be present at the adjourned meeting. The British delegate, Edward J. Dawkins, was an interested spectator from beginning to end. The Netherlands, apparently without invitation, also sent a spectator.

The Congress met June 22, 1826, and sat until July 15, when it adjourned to meet again at Tacubaya, near

<sup>5</sup> Message of March 15, 1826.

<sup>6</sup> Int. Amer. Conf. IV, 53 ff. Moore, "Dig. Int. Law," VI, 420.

the City of Mexico, in the hope that more states would be represented, but it never reassembled.

Meantime Brazil had attempted independently to effect a rapprochement with the United States. While Monroe was still President, Rebello, the first Brazilian minister at Washington, sounded Adams on the subject of an alliance. Assuming, said he, that Monroe's message of 1823, which pointed out "the necessity of our standing shoulder to shoulder for the defence of our rights and of our territory" was effective, it followed, that if any attempt should be made to reconquer Brazil, "the United States would be bound to put into practice the policy laid down in the said message, giving proofs of the generosity and justice which animate her, which could not be done without sacrifice of life and treasure." But, "it not being in accordance with reason, justice and right that the Government of Brazil should accept such sacrifices gratuitously," he was authorized to propose an offensive and defensive alliance for the preservation of Brazilian independence.<sup>7</sup>

Henry Clay, who became secretary of state before a reply was given, did not think it likely that any attempt would be made to resubjugate Brazil. If it should, then the President would "give to that new state of things . . . every consideration, which its importance would undoubtedly demand." As for a treaty of alliance to repel any invasion by Portuguese forces, that would be "inconsistent with the policy which the United States have heretofore prescribed for themselves," that is, a policy of neutrality in a contest between the colony and the parent country.<sup>8</sup>

Though the Panama, or first, Pan-American Con-

<sup>7</sup> "Brazil, the United States and Monroe Doctrine," 8-15.

<sup>8</sup> "International American Conference," IV, 112-13.

gress failed, the idea back of it did not perish. In 1831, 1838, 1839, and 1840 Mexico issued invitations for another such congress, but none was held. After that forty-one years were to pass before another attempt at a Pan-American Congress was made, though several international American conferences were held. In 1847 the five western states, Chile, Bolivia, Peru, Ecuador, and New Granada (Colombia) held a congress at Lima and drew up several treaties relating to confederation, commerce, navigation, and consular and postal service, but none of them was ratified. Nine years later Chile, Peru and Ecuador, alarmed over the filibustering activity of William Walker, signed, but did not ratify, a "continental" treaty for a solid union. In 1862 Costa Rica broached to Colombia the idea of a continental agreement in which the "United States of North America should bind themselves solemnly to respect, and cause others to respect, the independence, sovereignty, and territorial integrity of the sister republics of this continent." (How Colombia must have wished forty years later that such a league had been formed!) In 1864 Peru made an effort to form the Spanish-speaking nations of America into "one single family," the main purpose of which was "irrevocably to abolish war, superseding it by arbitration" for the settlement of difficulties,<sup>9</sup> but the "one family" did not materialize. Possibly if it had, the war (1879-83) and long drawn out estrangement (to 1922) between Chile on the one side and Peru and Bolivia on the other would not have occurred. While the war was going on Chile signed (1880) with Colombia a treaty of arbitration in which they agreed, "at the earliest opportunity, to conclude with the other American nations

<sup>9</sup> "International American Conference," IV, 202-13.

conventions like unto the present, to the end that settlement by arbitration of each and every international controversy shall become a principle of American public law." Colombia invited the other Latin-American nations to a conference with this end in view, but the continuance of the war between Chile and her neighbors caused it to be postponed.

✓ At this point the spirit of Pan Americanism, including the United States, was revived by James G. Blaine, secretary of state, who issued an invitation (November 29, 1881) to all independent countries of the two Americas to send delegates to a Congress to meet in Washington a year later. The date was put far ahead in the hope that the Chilean war would be ended and Secretary Blaine expressed the wish that the Congress should confine itself to "considering and discussing the methods of preventing war between the nations of America." <sup>10</sup>

This project had been sanctioned by President Garfield before his assassination, but the invitation was not extended until after Arthur became President and was sent with his approval. A few weeks later Blaine was supplanted in the State Department by Frelinghuysen. The replies to the invitation soon began to come in expressing great enthusiasm for the proposed conference, but Frelinghuysen cut them short by virtually canceling the invitation. The excuse given was that the holding of such a conference without inviting the other powers with which we were at peace might give offense. To this Blaine, in a public letter, gave the retort courteous that our voluntary humiliation could not be more complete, "unless we should petition the European governments for the privilege of holding

<sup>10</sup> *Ibid.*



the Congress." As the matter attracted attention in Congress President Arthur sent in a special message (April 18, 1882) in which he gave as a reason the war between Chile and Peru and strained relations between other countries. Having laid the facts before Congress he asked for advice.<sup>11</sup>

Several resolutions and bills had already been introduced in Congress. Others now followed, but none of them passed. On August 9 Secretary Frelinghuysen recalled the invitation, giving as his reason the same reason that President Arthur had given.

But the demand for a Congress was not even interrupted. In the following five years no less than thirteen different men introduced at least twenty-one resolutions and bills, counting duplicates, looking to closer relations with Latin America. Some wanted better commercial relations, while others were more interested in the peaceful settlement of disputes. Finally a bill introduced by James B. McCreary, of Kentucky, authorizing the President to call a conference became a law (May 24, 1888) without the President's signature. The act mentioned eight different subjects for discussion, some of which were capable of subdivision. Among them were improvement of means of communication,<sup>12</sup> a customs union, uniform customs regulations, a uniform system of weights and measures, protection of patents and copyrights, extradition, the adoption of a common silver coin which should be a legal tender in all the countries, and the formulation of a plan for

<sup>11</sup> A. Curtis Wilgus, "Blaine and the Pan-American Movement," in the *Hispanic-American Historical Review*, V, 670-5.

<sup>12</sup> The name of Hinton Rowan Helper, a native of North Carolina, whom President Lincoln appointed consul to Brazil, deserves to be remembered in connection with agitation for better communication through a Pan-American Railway.

the compulsory arbitration of all international disputes not settled by diplomacy.

October 2, 1889, Mr. Blaine, again secretary of state, though he had had nothing to do with the calling of this conference, had the pleasure of calling it to order and being elected president.

Numerous difficulties arose. Differences in language played no small part and led to some unpleasant misunderstandings. The simplicity of American manners was new to the foreign delegates, but they became accustomed to this. Many of the Latin Americans came with distrust, fearing that the United States would use the conference to secure political and commercial advantages. Differences of parliamentary procedure and of organization caused some friction. The lack of any prearranged plan caused some delay. The change of administrations between the calling and the assembling of the conference is not sufficient to justify this. Mr. Blaine had called such a conference nine years earlier, yet he had nothing definite to offer, not even on his own pet project of compulsory arbitration.<sup>13</sup> (How different the conduct of Secretary Hughes at the Washington Conference on Limitation of Armaments!) Then there were differences among the delegates of the United States themselves, especially on the tariff and money questions. The act calling the conference had spoken of a customs union and a common silver coin, yet, while the conference was debating the former, the House committee on ways and means was formulating the McKinley tariff bill and the silver question was rising on a not far distant horizon.

<sup>13</sup> All the difficulties are brought out by Señor M. Romero, Mexican minister and ex-delegate to the conference, in his survey of the meetings, *N. A. Review*, 151:354-66, 407-21.

But many of the difficulties were ironed out and the conference, after sitting over six months, agreed on treaties and conventions covering several of the topics named in the call, including one on arbitration. Mr. Blaine's proposal for obligatory arbitration was not acceptable to some of the delegates, especially those from Mexico, Chile, and Argentina, but the treaty as adopted accepted "arbitration as a principle of American international law for the settlement" of all differences save "those which, in the judgment of any one of the nations involved in the controversy, may imperil its independence."<sup>13a</sup> The Latin-American members of the committee which reported the treaty also submitted a supplementary report denouncing wars of conquest by one American nation against another as an "unjustifiable act of violence and spoliation" and urging the nations to declare that the principle of conquest should never again be recognized as "admissible under American public law."<sup>14</sup> Senator Henderson, for the United States delegates, offered a substitute resolution making it apply only to those nations which "shall wrongfully and in disregard of the provisions of said treaty prosecute war against another party thereto."<sup>15</sup>

Unfortunately none of these treaties was ratified by the nations. The one permanent result was the creation of the International Bureau of the American Re-

<sup>13a</sup> "International American Conference," II, 1078-80.

<sup>14</sup> It is interesting to note that in 1824, shortly after first hearing of Monroe's message, the President of Argentina proposed to add to Monroe's principles a declaration that none of the new governments should "alter by force their respective boundaries as recognized at the time of emancipation." Lockey, "Pan Americanism: Its Beginnings," 255. However, Argentina already had on hand a boundary dispute with Brazil.

<sup>15</sup> "International American Conference," II, 1121-4.

publics, rechristened by the fourth Pan-American Conference as the Pan-American Union. Another good result was that the conference tended to allay the suspicions of the Latin Americans,<sup>16</sup> but the strained relations between the United States and Chile due to the attitude of the former in the revolution against Balmaceda, which followed close upon the adjournment of the conference, and subsequent events in Cuba, Panama, and the Caribbean revived the spirit of distrust.

The second conference was called to meet in the City of Mexico in October, 1901. It sat over three months and discussed many of the problems taken up in the first. Compulsory arbitration was again taken up with no better results than in the Washington conference. The rejection of the Olney-Pauncefote treaty by the United States Senate (1897) was still fresh in mind. Ten of the nineteen states represented signed a treaty agreeing to submit to arbitration all controversies not settled by diplomacy and not involving independence or national honor.<sup>17</sup> Seventeen states, including the United States, agreed to compulsory arbitration of pecuniary claims, but this was ratified only by the United States, Mexico, and Peru. The conference advised adhesion to The Hague conventions, but few of the states followed this advice until after the meeting of the third conference at Rio de Janeiro. The United States ratified the convention for the exchange of publications and, pursuant to recommendations, congresses were held to discuss customs regulations and sanitation, the latter resulting in the international sanitary convention of 1905.

<sup>16</sup> *N. A. Review*, 151:421.

<sup>17</sup> John W. Foster in *Atlantic Monthly*, 89:487-9.

The third conference met at Rio de Janeiro in 1906. Our old friend, compulsory arbitration, put in his appearance, but was disposed of by a recommendation to the nations that they instruct their delegates to the next Hague Conference to promote "the adoption of a general Arbitration Convention so efficient and definite that, meriting the support of the civilized world, it shall be accepted and put into effect by every nation." The International Bureau was reorganized and broadened in its scope so that it should prepare and supply information on commerce, American treaties, and education; assist in securing ratification of the acts of the conference; act as a permanent committee of the conference which should prepare agenda for future conferences; continue the publication of the Monthly Bulletin and serve as a general clearing house of information for the interested nations. It may be added here that, under the direction of Mr. John Barrett (1917-20), the bureau has served a very useful end in bringing about a better understanding and a wider sympathy among the American nations. The conference again took up the money question and appointed a committee to study this subject. The greatest difference arose over the Drago proposition to ban the forcible collection of debts, but this was compromised by referring it to The Hague Conference,<sup>18</sup> with results already indicated.<sup>19</sup> All the treaties agreed upon were finally ratified by a large majority of the states represented.

The fourth conference, which sat at Buenos Aires July 12-August 30, 1910, had many distinguished delegates. According to Mr. Henry White, chairman of

<sup>18</sup> *Independent*, 61:730-4; *For. Rel.*, 1909, Part II, 1565-1625.

<sup>19</sup> *Supra*, 225.



the delegation from the United States, "not a single unkind or unfriendly word was uttered from beginning to end."<sup>20</sup> It was disappointing to the press because it furnished no sensations to report. Besides changing the name of the International Bureau of American Republics to the Pan-American Union, it changed its own name from International Conference of American States to Union of American Republics. It drew up and recommended treaties for the mutual protection of patents, trade-marks, and copyrights. The treaty for the arbitration of pecuniary claims, which had not been ratified by anything like all the states, was re-adopted and the time for ratification was extended indefinitely. The conclusions of the Sanitary Conferences held since the meeting at Rio de Janeiro were approved and recommended for adoption. It also recommended the adoption of a standard form for consular documents and uniformity in consular fees, and approved the project for completing the Pan-American railway. An entirely new subject taken up was the exchange of university professors and students and this was advised.<sup>21</sup>

Since the fourth conference adjourned "Pan America" has become a name to conjure with and numerous conferences and societies have grown up under its protecting wings. The first Pan-American Scientific Conference had met before this (1908) and a second conference was held in Washington 1915-16. The Pan-American Financial Congress was born in 1915 and held its second meeting in 1919. Somewhere in between the two the Pan-American Federation of

<sup>20</sup> *Annals of the Academy*, 37:586.

<sup>21</sup> Reinsch in *Annals of the Academy*, 37, 594-601. The Report, with accompanying papers, is printed in Sen. Doc., 744, Sixty-first Cong., 3d sess., v. 55.

Labor saw the light of day. In 1916 the Pan-American High Commission was created in a conference at Buenos Aires, with headquarters in Washington, for the purpose of bringing about uniform laws, especially in business. In 1920 the Pan-American Conference of Women held its first meeting and two years later met again at Baltimore. Naturally the exchange of professors and students led to a Pan-American Conference of Students (1920). Transport and trading companies, and colleges, both surgical and commercial, have taken the name "Pan-American" and even prohibition has assumed the title. Of more serious import are the projects now pending (1923) for the creation of a Pan-American Intellectual Union, a Pan-American Library Union, and a Pan-American University Union.

✓ To the optimist the achievements of these conferences look large, to the pessimist they look small. In concrete results the achievements are confessedly small; in spiritual achievements they have been worth while. They did not remake the western hemisphere in a quarter of a century; the delegates were too wise to attempt this. But they have made a start toward the realization of Pan-Americanism. At the beginning of the chapter we saw what were some of the difficulties standing in the way of this realization. A concrete illustration of the differences in the ideas of right and wrong is found in the attitudes toward the Monroe Doctrine. As we have seen, there has been little objection to the original Monroe Doctrine, but the twentieth century unilateral application of that doctrine has implanted fear and hate. In consequence there has grown up—indeed, it has always existed—in the more advanced of the South American states the feeling that they should share as equals in the

responsibility of carrying out the principles of the doctrine. Ex-President Roosevelt once said: "Every such nation should itself become the sponsor and guarantor of the Doctrine; and its relations with those of the other guarantors should be those of equality." But he had never done anything while President to apply this principle. When in his Mobile address President Wilson promised the Latin Americans to deal with them on terms of equality and said that it was "a spiritual union which we desire," he laid the foundation for a deeper Pan Americanism.

Under such auspices, it seemed, the fifth conference, called to meet in 1914, was to assemble, but it was put off on account of the Great War. Then came increasing trouble with Mexico and the proffered mediation of the A B C powers. In accepting the offer the State Department expressed the hope that it might "prove feasible and prophetic of a new day of mutual coöperation and confidence in America." This was followed by a joint appeal to the contending factions in Mexico. While it had no effect there, it did have a profound influence on the development of the Pan-American spirit, especially when coupled with President Wilson's recognition of the Carranza government on the advice of the Latin-American states. Later on he did not follow their lead in recognizing Obregon, a higher type of man.

But President Wilson was alive to the situation and was seeking a road to better Pan-American relations and through that to world relations. In his address to Congress December 6, 1915, he said that we were still moved by the spirit which animated Monroe, that our assumption of the rôle of guardian of the republics to the south was disinterested, but that it was always

difficult to maintain such a rôle without offending the pride of the people we sought to protect and provoking misconceptions of our motives.<sup>22</sup>

In the hope of remedying this situation Secretary Lansing made certain proposals to the South and Central American states. As these proposals have never been made public we cannot determine their exact nature, but their general nature may be gathered from the speech of President Wilson to the Pan-American Scientific Congress in Washington, January 6, 1916. After speaking of the fear and distrust in the minds of the Latin Americans because of their uncertainty as to what the United States would do with her power he said this fear and distrust must be removed and relations established on "foundations of amity." Certain things were necessary for this: First, the states of the Americas must unite "in guaranteeing to each other absolute political independence and territorial integrity." Second, the settlement of all pending boundary disputes among them by amicable process and provision for the settlement of all future disputes by arbitration, an agreement to prohibit the fitting out of revolutionary expeditions within their bounds against another state, and the prohibition of the exportation of arms for revolutionists.<sup>23</sup>

The curious thing about this statement, aside from the startling fact that a President of the United States was actually proposing an alliance, lies in the fact that it was preceded by another which must have sounded irritating to the Latin Americans, not to say absolutely inconsistent with the terms of alliance offered.

<sup>22</sup> Messages and Papers, XVII, 8102.

<sup>23</sup> Robinson and West, "The Foreign Policy of Woodrow Wilson," 301.

"The Monroe Doctrine," said he, "was proclaimed by the United States on her own authority. It has always been maintained, and *always will be maintained*, upon her own authority." (Italics mine.)

Shortly after the Lansing proposal was made, though in no way connected with it, representatives of the American states met at Buenos Aires (April 13, 1916) and created the International High Commission to work for the establishment of uniform laws, especially those affecting commerce, in the American states.

No immediate results came of Secretary Lansing's proposal, but it met with a hearty response in at least one South American state. In a note to the Brazilian minister Doctor Baltasar Brum, minister of foreign affairs in Uruguay, advocated a "close union of action" by the nations of the New World "so that an attack against any of the countries of America . . . may constitute an offence to all and provoke in them a common reaction."<sup>23a</sup> When we entered the Great War several of the Latin-American states followed our lead, though none took a very active or important part in the actual fighting, while all the others except Mexico (and possibly Argentina) maintained a more or less benevolent neutrality.

In his address to the Mexican editors (June 10, 1918) President Wilson used words more significant than any he had previously uttered. Now it did not look as if he thought that the Monroe Doctrine would always be maintained by the United States by her own power. He defined the old doctrine as signifying: "We are going to be your big brother whether you want us to be or not." That was all very well once,

<sup>23a</sup> Brum, "American Solidarity" (Montevideo, 1920), 3.



but was to be no longer our attitude. Instead he proposed:

“Let us all have a common guarantee that all of us will sign a declaration of political independence and territorial integrity. Let us agree that if any of us, the United States included, violates the political independence or territorial integrity of any of the others, all the others will jump on her.”

Now, that is the kind of government that will have to be the foundation of the future life of the nations of the world. The whole family of nations will have to guarantee to each nation that no nation shall violate its political independence or territorial integrity. That is the basis,—the only conceivable basis—for the future peace of the world, and I must admit that I was anxious to have the states of the two continents of America show the way to the rest of the world as to how to make it a basis for peace.<sup>24</sup>

On another occasion he even went so far as to counsel intervention for the settlement of internal troubles.

It will be observed here that President Wilson was not advocating Pan Americanism; he had passed beyond that to Pan Humanism. The next step was the League of Nations, in which he expressly purposed to make the Monroe Doctrine, now interpreted as a doctrine of good will and coöperation, world wide. The opposition in the United States Senate to this, which many considered an abandonment of the Monroe Doctrine, was so strong that President Wilson, as we shall see later, finally consented to a special reservation on the doctrine. Though he did this very unwillingly, he vigorously combated the French opposition to this recognition of the Monroe Doctrine.<sup>24a</sup>

Dr. Baltasar Brum, of Uruguay, had visited the

<sup>24</sup> Inter-America, V, 298-9.

<sup>24a</sup> N. Y. Times, April 12, 1919, 1:8.

United States and undoubtedly was the most ardent admirer of our institutions and of President Wilson south of the Gulf of Mexico. Shortly after he became President of Uruguay (March 1, 1920) he formulated what some have dignified with the title "Brum Doctrine," wherein he proposed that each Latin-American nation should issue a declaration, similar to that of Monroe, in which it would engage to intervene in behalf of any one of them, including the United States, if, "in the defense of her rights, she should find herself engaged in a war with an extra-continental nation." This was to apply against the United States also, should she ever become an aggressor against a sister republic.<sup>25</sup> Commenting later on the proposal, he said:

It is based on equality of responsibility of all American republics for enforcing the Monroe Doctrine. Under it each American republic would agree to defend any of its members against foreign aggression and insure the territorial integrity of each American republic. It could best be carried out by the formation of a Pan-American League, to which every American republic would subscribe and which would place all of them on an equal and reciprocal basis in the matter of the enforcement of the above principles of protection.<sup>26</sup>

<sup>25</sup> *Ibid.*, May 2, 1920, II, 9:4; *Inter-America*, V, 292-3.

<sup>26</sup> *N.Y. Times*, Jan. 30, 1921, 9:3.

## CHAPTER XIX

### PAN AMERICANISM AND PAN HISPANISM

Mention has been made of the fact that the fifth conference was postponed indefinitely in 1914. Before adjourning the fourth conference voted that the next one should be held in Santiago and Chile was to send out the invitations, though the date of meeting is set by the governing board. For more than a year after the war the League of Nations and the Conference on the Limitation of Armaments so monopolized the attention of the United States that the time did not seem opportune for calling the fifth conference. Besides, Chile, remembering her embarrassment at a previous conference because of a boundary dispute with Argentina, did not feel inclined to call the conference after Peru revived the long-standing dispute about Tacna-Arica. However, after the mediation of Secretary Hughes and the agreement to confer in Washington, the call was issued for the assembling of the fifth conference in March, 1923.

It is the business of the governing board to formulate the agenda for the conference. Of nineteen different topics proposed, two, with ten subheads, relate to commerce. Topics 9-12 and 16 are quoted in full:

Consideration of measures tending toward closer association of the republics of the American Continent with a view to promoting common interests.

Consideration of the best means to give wider application to the principle of judicial and arbitral settlement of disputes between the republics of the American Continent.

Consideration of the best means to promote the arbitration of commercial disputes between nationals of different countries.

Consideration of the reduction and limitation of military and naval expenditures on some just and practicable basis.

Consideration of the questions arising out of an encroachment by a non-American power on the rights of an American nation.<sup>1</sup>

While no direct reference is made to a Pan-American League the first topic quoted above may be interpreted to include this subject, a notable concession on the part of Secretary Hughes, a member of the governing board. But President Brum was determined to leave no doubt about the matter and, long before the conference met, announced that Uruguay would present some very definite proposals. These followed the general trend of his former suggestions. His proposals may be summarized as follows:

The settlement of all conflicts of an international character, of whatever nature, by arbitration, investigating committees, or by mediation of other members of the League.

A plan to prevent war and to punish recalcitrant members closely following the plan of the League of Nations.

An administrative organization also modeled upon the League of Nations.

On the Monroe Doctrine: "Any infringement of the rights of a member by a country situated in another continent would be taken up by the League."<sup>2</sup>

<sup>1</sup> *Current History*, XVII, 799.

<sup>2</sup> *N.Y. Times*, Feb. 11, 1923, I, 4:1-2.

In some respects President Brum's goes beyond any previous proposal for Pan Americanism. He would allow American colonies of European powers to be represented, provided they have their own diplomatic representative in at least one American country and declare that they are in a position to carry out the obligation of membership in the association. Under this Canada would need to send a minister to the United States, of which there has been some talk.

Several months before the conference met Brazil proposed a conference of the A B C powers on disarmament prior to the meeting of the Pan-American Conference, but this was vetoed by Argentina, who thought it not wise to discuss in advance of the meeting with other countries a question which was one for general debate. She was ready to study the armament plan as applied to the whole continent.

Just here it began to look as if the United States had thrown a monkey-wrench into the machinery by sending a detachment of her fleet to Brazil to aid that country in improving the efficiency of her navy. To Argentina it seemed inconsistent for the United States to be fostering a conference on the reduction of armaments in South America and at the same time officially aiding one of the countries to strengthen her armed power. The incident was featured in the Argentine newspapers, *La Prensa* saying that all South America, especially the states of La Plata, now knew that Brazil could count on the moral support of "her old and loyal friend," the United States, and that the cause of militarism was strengthened, both in Brazil and elsewhere.<sup>3</sup>

Following the Summerlin incident, in which our

<sup>3</sup> N.Y. *Times*, Dec. 13, 1922, 16:3.



chargé d'affaires told Mexico that certain proposed changes in Article 27 were not satisfactory to the United States, Mexico declined the invitation of Chile to attend the conference. However, owing to her relations with the United States, she probably would have taken this step, had the incident never occurred. Unfortunately this broke the chain, for there can be no *Pan Americanism* with Mexico left out.

The conference met March 25 and sat until May 3, Hon. Augustin Edwards, Chilean ambassador to London and President of the League of Nations, Chairman. The leading representatives of the United States were the Hon. Henry P. Fletcher, ambassador to Belgium, and Dr. L. S. Rowe, Director of the Pan-American Union. In welcoming the delegates President Alessandri, of Chile, eulogized the Pan-American Union as "a powerful aggregation defending the future of humanity." He also eulogized the United States as leader in the movement and quoted Mr. Root's speech at Rio de Janeiro to the effect that the United States did not desire conquests, did not seek any more territory, and that it considered the independence of smaller and weaker nations as worthy of as much respect as that of the greater nations.<sup>4</sup> Two weeks later Mr. Fletcher, in an address at a luncheon in honor of the Belgian minister, declared that the Great War was an "eternal warning that the rights of small nations cannot be trampled upon with impunity by any nation, no matter how great and powerful."<sup>5</sup> What the Haitians said about this was not reported.

Concerning the action, or inaction, of the conference on the agenda laid before it only a few things need to be noticed here.

<sup>4</sup> *Current History*, XVIII, 185.

<sup>5</sup> *N.Y. Times*, April 9, 1923, 19:6.

The fourth conference had discussed the advisability of enlarging the functions of the Union, but no essential changes were made, though it was decided to follow up the policy initiated at Rio de Janeiro of establishing coöperating Pan-American committees in all of the republics.<sup>6</sup> Dr. L. S. Rowe now proposed to enlarge the scope of the conference so as to include the performance of any functions conferred upon it by the governing board or by subsequent conferences and this was approved by the political committee. The conference also approved the proposal for four subordinate permanent commissions to be named by the governing board for its assistance. The fourth conference had decided that any "republic temporarily not represented by a diplomat at Washington" might "intrust its representation on the governing board" to some member of that board. The question of making the presidency of the board elective had also been discussed. Costa Rica now proposed that any American republic which, "for any reason," might be without a diplomatic representative at Washington should have the privilege of appointing a special representative on the governing board and that the board should elect its own president. These proposals were approved by the political committee, but when the report was turned in Mr. Fletcher at once offered a substitute providing that any nation not represented at Washington might choose a direct representative on the governing board, but with the proviso that this should not imply recognition of the government making the appointment by "any government." This was supported only by Brazil. A large number of the states favored Costa Rica's plan, but the opposition of the United States

<sup>6</sup> Sixty-first Cong., 3d sess., Sen. Doc., Vol. 55, 9-10.

caused its postponement by reference to a committee to report at the next conference. The one concession made by Mr. Fletcher was that the presidency should no longer be confined to the American secretary of state, but should be freely elective, but the "presidency was again conferred upon the Secretary of State of the United States as an honor freely bestowed by the American nations."<sup>7</sup>

Two proposals were offered looking to the peaceful settlement of disputes. The Central American states were ready to open their International Court of Justice to all American states and Costa Rica proposed a Pan-American court composed of representatives of each country chosen by their respective supreme courts for a period of ten years. The other, offered by both Costa Rica and Argentina, was for compulsory arbitration of all questions save those involving the provisions of a nation's constitution. This provoked a heated discussion and was opposed by the delegates from the United States on the ground that the Senate had rejected arbitration of questions involving independence, vital interests and honor. The Argentine delegates made a strong plea for compulsory arbitration and declared that Argentina had not entered the International Court of Justice simply because it lacked that feature. The committee was then instructed to consider and report at the next meeting (1) whether arbitration is a principle of American public law, (2) whether the conference should recommend a continental treaty or a separate treaty for each nation, and (3) whether an American court should be created and, if so, whether it should have compulsory jurisdiction.

<sup>7</sup> *N.Y. Times*, April 10, 1923, 10:1; April 19, 40:5-6; May 4, 14:2; Bulletin issued by the conference, "F 44."

The committee thought it inexpedient to create a court or to provide for universal arbitration and the result was the adoption of the proposal of Manuel Gondras (Paraguay) for a fact finding commission such as provided for in the Bryan treaties.<sup>8</sup>

The Monroe Doctrine was brought before the conference in two distinct proposals. Don Alejandro Alvarez, of Chile, brought forward fifteen proposals as a basis for codifying American international law, four of them stating and amplifying the Monroe Doctrine. The project asserts the rights of the states of the New World to establish a fundamental basis on which "International American Society ought to rest and the principles on which questions ought to be solved." It holds that the states are equal before the law, that they have acquired rights of complete independence which cannot be limited for the benefit of an outside continent, even with the consent of an American state. No state may intervene in the domestic affairs of any American state against its will.<sup>9</sup> This proposition met with the approval of the juridical committee and it was referred to a Congress of Pan-American Jurists to be called at Rio de Janeiro in 1925.<sup>10</sup>

§ The other topic directly affecting the Monroe Doctrine was Dr. Brum's proposal that the policy be made Pan-American. This was earnestly supported by Señor Alvarez, who expressed the hope that the Pan-American Union would evolve into a Pan-Amer-

<sup>8</sup> N.Y. *Times*, March 26, 1923, 14:2; April 6, 16:8; April 17, 37:3; April 29, I, 3:4.

<sup>9</sup> "La Codification del Derecho Internacional en America." Trabajos de la Tercera Comision de la Asamblea de Jurisconsultos reunida en Santiago de Chile. Por Alejandro Alvarez.

<sup>10</sup> N.Y. *Times*, April 2, 1923, 7:1.

ican League. This, he thought, could work in harmony with the League of Nations since the Monroe Doctrine was amply safeguarded in Article XXI. The latter statement Mr. Fletcher denied, declaring that Article XXI was "inept and inexact." The Monroe Doctrine, said he, was not a "regional understanding," but a unilateral national policy of the United States. Another delegate, arguing for Pan-American application of the policy, had said that it had not always been followed out when conditions called for it. On this, Mr. Fletcher said that the decision as to when it should be applied rested wholly with the United States.<sup>11</sup> Thereupon the committee agreed not to prolong the debate and disposed of it by referring the matter to the governing board with the suggestion that a committee be appointed to study the question.<sup>12</sup> In his closing address President Edwards sought, in a tactful if somewhat feeble way, to save the face of the conference by saying:

Whatever interpretations the Monroe Doctrine has received, none can fail to recognize its transcendent importance to America. The spirit of President Monroe has spread through the compass of America.<sup>13</sup>

Judging from the meager newspaper accounts published in this country the conference was not wholly barren of tangible results, though it fell far short of the hopes of some. Those who hold that it was at least a partial success point to the agreements on the formulation of treaties for the protection of trademarks, publicity of customs papers, uniformity in commercial nomenclature, and for a fact finding com-

<sup>11</sup> *N.Y. Times*, May 2, 1923, 9:1.

<sup>12</sup> Bulletin issued by the conference, F 43.

<sup>13</sup> *N.Y. Times*, May 12, 1923, 14:4.



mission in case of international disputes. They also declare that "in bringing about a frank exchange of opinions, in removing suspicions and promoting a spirit of cordiality and coöperation, it has rendered a valuable service."<sup>14</sup>

On the other hand those who hold that the conference was almost barren of results point to the failure to reach any agreement on most of the nineteen subjects laid before it, especially on the larger issues, such as the limitation of armaments, the creation of a Pan-American League and of a Pan-American Court, and the development of considerable friction in the discussion of these subjects. The explanation offered for the first is the mutual jealousy of the A B C powers; of the others, the intransigent attitude of the United States on the matter of isolation coupled with our arrogance in upholding the Monroe Doctrine as a unilateral policy, and our failure to recognize the Obregon government. Certainly the United States played a leading rôle among the objectors and to her is due the credit, or discredit, of the failure of the proposal for a Pan-American League and an international court.

It seems true that considerable friction was developed at Santiago over the discussion of the Monroe Doctrine, both in and out of the conference, and that this was largely due to the firm stand of Mr. Fletcher for the doctrine as a unilateral policy. Señor Calderon explained this as due to the fact that "the Monroe Doctrine is a convenient target for the political malcontents of Latin America" whenever they are in difficulty and wish to raise a bugaboo by attacking the Colossus of the North. This recalls the fact that twisting the British lion's tail used to be the favorite sport

<sup>14</sup> N.Y. *Sun* quoted in *Lit. Dig.*, May 19, 1923, 15.

of the jingoes in the United States. Certainly the malcontents are making the most of the lack of harmony and a Cuban editor is said to have started an anti-American propaganda in Latin America as a part of the move to relieve Cuba of the Platt Amendment, a move somewhat disquieting to the State Department.<sup>15</sup>

The failure to reach an agreement on armaments was a keen disappointment to several of the South American states, especially to Argentina. For this some Argentine editors are disposed to blame Brazil because of her spirit of navalism and the United States for backing her up by sending a rear admiral to assist in modernizing her navy. This movement on the part of Brazil they are disposed to consider the greatest menace to Pan Americanism. West coast editors (Chile and Ecuador) take a somewhat similar view. Naturally the Brazilians defend themselves against the charge of navalism and say that all they are doing is necessary for defense.<sup>16</sup>

Though the tangible results were few (four conventions and seventy-three resolutions) the conference was worth while, for such meetings tend to promote fraternalism.

Propositions for a Hispanic Pan America, excluding the United States, have been referred to in the preceding pages. Such propositions are in harmony with, though largely independent of, the Latin-American propaganda against the United States. They have been based partly on racial and cultural affinity, partly on fear and hatred of the Yankees. The movement for Pan Hispanism (Spain and Latin America) has come out of Spain and is grounded on appeals to

<sup>15</sup> Washington dispatch to *Arkansas Gazette*, June 9, 1923, 3:1.

<sup>16</sup> *Lit. Dig.*, June 9, 1923, 22.

racial and cultural solidarity, looking ultimately to economic solidarity.

Spain was slower than England to recognize the independence of her colonies, but Spaniards have not been behind the English in efforts at rapprochement. The Mexican war and the subsequent activity of filibusters were taken advantage of by Spaniards in an effort to bring about united action and some of their efforts received official sanction, though they were practically without results. Spanish misrule in Cuba and Porto Rico played into the hands of the anti-Spanish propagandists and gave the Pan Hispanists hard sledding, but they succeeded in organizing the Ibero-American Union and induced the Latin-American states to participate in the celebration of the four hundredth anniversary of the discovery of America. The war with the United States strengthened their hands in Spain and then they began to play the note of anti-Yankeeism with good effect. This and the note of racial and cultural affinity have been played for all they are worth by the intellectuals of Spain. The year before the meeting of the second International American Conference in the City of Mexico a congress of Hispanic peoples was called to meet in Madrid. The program of this conference was extensive and ambitious, for it was to discuss

. . . "means for the creation of a great current of public opinion which would lead the governments of Spain, Portugal and the Ibero-American peoples to effect an intimate alliance"; the harmonization of the civil, penal and administrative laws of these countries; the unification of educational plans; the modification of commercial agreements; the improvement of communications; the establish-

ment of international expositions; the creation of banks; and the study of the problem of emigration.<sup>17</sup>

Since then several Hispanic congresses have been held in Spain and several societies have been organized there and among the Spanish immigrants in America to promote Hispanic solidarity. Also, there is an exchange of professors and students similar to that between the United States and the Latin-American countries.

Possibly no one since Clay has been quite as bold as he in laying claim to the hegemony in America (though President Wilson did say that the Monroe Doctrine always would be maintained by us alone), but Latin Americans still feel that such is the spirit of the United States. To some of them "America for Americans" means America for Americans north of the Rio Grande, and the Pan Hispanics make the most of this. In sharp contrast with this is the spirit of Spain as represented by Juan Ortega Rubio, professor in the Central University at Madrid. In his "History of America" he says:

Our old and beloved Spain does not desire, nor is she able, nor ought she, to think of exercising any hegemony over the Ibero-American peoples. We desire, and we aspire, only to a fraternal communion. . . . Spaniards and Americans of the Iberian race, forgetting old grievances, should in the future think only of living the life of culture and progress.

In this way he proposes to "foster the union of the Latin Republics with the mother country."

<sup>17</sup> Rippy, "Pan-Hispanic Propaganda in Hispanic America" in *Polit. Sci. Quar.*, 37:395. Without further references the writer acknowledges his indebtedness to this splendid article for practically all that is here given on the subject of Pan Hispanism.

The chord struck by the intellectuals in Spain has brought out a distinct echo from the same class in America. In 1917 Professor Suarez, of the University of Buenos Aires, published a booklet in which he manifested great enthusiasm for Spain, laying the blame for the Hispanic-American revolutions, not on the Spanish people, but on the despotism from which the Spaniards themselves were seeking to escape. The same tactics had much to do with the Anglo-American rapprochement. In 1918 J. F. V. Silva, of Argentina, called for a great empire composed of Spain, Portugal, and the Latin-American republics, with its capital in Spain. In support of this he pointed to the English, German, and North American menace, the last of which was the greatest. This empire should have its own *irredenta*, Gibraltar and Morocco on one side of the Atlantic, and Porto Rico, the Falkland Islands and the Panama Canal on the other.

Such sentiments were echoed by the intellectuals and by business men and politicians in Argentina—the national anthem was changed there to avoid offense to Spain—and in other Latin-American countries. The official correspondence in recent years between Spain and her former colonies gives evidence of the rapprochement. Several arbitration treaties have been signed with them and, as noted in a previous chapter, there has been a tendency to refer Hispanic-American disputes to Spain for arbitration, though the latest, between Chile and Peru, was referred to President Harding.

Of the Pan-Hispanic movement little is known in the United States outside a narrow circle—in general we know too little of our southern neighbors. If the “economic interpretation of history” is the correct one, then the Pan-Hispanic movement seems utterly hope-



less, for the economic interests common to Spain and her colonies are extremely small. But some day we shall learn that economic determinism is more powerful among some peoples than among others. That it is powerful in the United States is beyond question; that it is not equally powerful among Hispanic peoples is also beyond dispute. "Blood is thicker than water" is an expression with which North Americans are familiar. Some day, perhaps, we shall learn that spiritual ties of blood and culture are stronger than bonds forged of gold. Pan Americanism has not arrived, but appears to be on the way. Of this we may rest assured, it will never arrive until each nation is ready to respect the independence and territorial integrity of its fellows, and accord at least a certain kind of equality to all of them. When attending the celebration of the hundredth anniversary of Brazilian independence (1922) Secretary Hughes repeated the assurances given by Secretary Root sixteen years before. He said: "We covet no territory, we seek no conquests; the liberty we cherish for ourselves we desire for others, and we assert no rights for ourselves that we do not accord to others."<sup>18</sup> These good words will have to be followed up by actions in harmony with them. As it is now Brazilians can hardly cease to wonder where we get the sole right of intervention in Latin-American countries. Mr. Hughes also called attention to the spirit of coöperation as represented in the meetings of the various organizations of Pan America at the centennial, such as those of the archaeologists, historians, and engineers. When our government learns to coöperate in the same way instead of plunging ahead alone, then Pan Americanism will have become a realizable possibility.

<sup>18</sup> N.Y. *Times*, Sept. 9, 1922, 12:8

## CHAPTER XX

### THE PARIS CONFERENCE AND THE SENATE DEBATE

What can we do in a larger sense toward securing and maintaining the peace of the world?

This is a much more difficult question; but turn it back and forth as we may, there is no escape from the proposition that the peace of the world can only be maintained, as the peace of a single nation is maintained, by the force which united nations are willing to put behind the peace and order of the world.

Nations must unite as men to preserve peace and order. The great nations must be so united as to be able to say to any single country, "You must not go to war." And they can only say that effectively when the country desiring war knows that the force which the nations put behind peace is irresistible."—Senator Lodge, 1915.

The limit of voluntary arbitration has, I think, been reached, . . . I think that the next step is that which this league proposes, and that is to put force behind international peace. We may not solve it in that way, but if it cannot be solved in that way it can be solved in no other way.—Senator Lodge, 1916.

January 22, 1917, President Wilson addressed the Senate. He did this because he thought that Europe was approaching a discussion of peace terms. Although we had taken no part in the war, to him it was inconceivable that the United States should play no part in the making of peace, for this peace should be followed by a definite concert of powers which would make another such a catastrophe as the World

War impossible. In his address he stated certain underlying principles of peace and added:

I am proposing, as it were, that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world; that no nation should seek to extend its polity over any other nation or people, but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful.

I am proposing that all nations henceforth avoid entangling alliances which would draw them into competitions of power, catch them in a net of intrigue and selfish rivalry, and disturb their own affairs with influences intruded from without. There is no entangling alliance in a concert of power. When all unite to act in the same sense and with the same purpose all act in the common interest and are free to live their own lives under a common protection.<sup>1</sup>

Some of the specific propositions given in this address he later worked over and, with some additions, gave out (January 8, 1918) as the famous Fourteen Points as conditions of peace. Briefly stated these were.

1. Open covenants openly arrived at.
2. Freedom of the seas.
3. Removal of economic barriers, equality of trade conditions.
4. Adequate guarantees that armaments will be reduced to what is necessary for police protection.
5. Adjustment of colonial claims in the interest of the populations concerned.
6. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure to her the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing.

<sup>1</sup> Robinson and West, "The Foreign Policy of Woodrow Wilson," 369.

7. Belgium to be evacuated and restored.
8. France to be evacuated and Alsace-Lorraine to be restored to her.
9. Readjustment of the frontiers of Italy.
10. The peoples of Austria-Hungary to be safeguarded and given an opportunity for autonomous development.
11. Rumania, Serbia, and Montenegro to be evacuated and their territory restored. Serbia to have free access to the sea. The relation of the Balkan peoples to be determined by historical lines of allegiance and nationality, with international guarantees of political and economic independence and territorial integrity.
12. The Turkish portions of the Ottoman empire to be secured in their sovereignty, the other nationalities to be given autonomous development. The Dardanelles to be free to the ships of commerce of all nations.
13. An independent Polish state with access to the sea and an international guarantee of its independence.
14. A League of Nations.

In 1918 Professor John H. Latané, of Johns Hopkins University, published a little book entitled "From Isolation to Leadership," the last chapter of which was based on the Fourteen Points as stating the "War Aims of the United States." The title was aptly chosen for the book shows how we had gradually emerged from the policy of isolation to participation in world affairs and how President Wilson now proposed that this country should take the moral leadership of the world. President Wilson's Fourteen Points were based on this idea and, with a few reservations, were accepted by the Allies as the basis for negotiation and very little objection to them was heard in the United States.

There were two possible views of our participation in the Peace Conference on the basis of the Fourteen Points.

It was well known that the conference would be called upon to settle great and perplexing problems, many of which related to subjects in which America had no immediate interest. Many of them were strictly European and some were strictly political in character. The solution of these problems would necessarily carry with them certain guarantees of fulfillment. Now supporters of the older Monroe Doctrine might have pointed out that nearly all of the Fourteen Points, which dealt with European political questions and concerned us not at all or only remotely and very indirectly, were not in harmony with the ideas of 1823. For example, Point 3, calling for the removal of economic barriers and for equality of trade conditions, is a politico-economic question which every nation had previously been left to settle for itself. The evacuation of the occupied countries was a political question. We were no more concerned in 1919, under the Monroe Doctrine, about the evacuation of Russia than in 1856 when Sebastopol was in the hands of her enemies, or with the restoration of Alsace-Lorraine than with its rape in 1871, or with the autonomous development of Austria, or Hungary or Bohemia than with that of Hungary in 1852 when Kossuth appealed to us in vain, or about the fate of Armenia than in 1896 when the Turk was left undisturbed in his work of assassination. The matter of giving Poland and Serbia access to the sea was one of European politics, a question of boundary, and under the Monroe Doctrine was not a question for us to consider. The same was true of Polish independence.

Such might have been considered valid objections by any who wished to stand by the old idea of the Monroe Doctrine strictly interpreted, yet few, if any,



asked whether the United States could participate without departing from "our policy in regard to Europe . . . which is, not to interfere in the internal concerns of any of its powers." Everybody knew that the conference would take up world problems—delegates were coming from all over the world—and that it might hit upon something which would affect the Americas, yet few, if any, asked whether we could acquiesce in this without giving up "the principle that the people of this continent alone have the right to decide their own destiny," which President Polk had said was the real essence of the Monroe Doctrine, and which we must "ever maintain." Some serious objections were raised in America to Point 3, the removal of economic barriers, but this was done in defense of the protective tariff, not of the Monroe Doctrine. People were too busy thinking about peace or too carried away in President Wilson's wave of exalted idealism to reflect much on the ideas of 1823.

Under the circumstances it is not surprising that President Wilson assumed that the people accepted the change "from isolation to leadership" and that he was, for the time being, to act as spokesman for the nation in this new leadership. Henceforth the relation of nation to nation was to be based on right and justice and the conduct of nation toward nation on good will. Monroe had said that it was our policy to leave the Latin-American states to themselves and see that European powers did likewise; now the great European powers must be induced to leave the small states and subject peoples to self-determination. As no small state could feel free when surrounded by huge armaments or in terror of war, whether expecting war on itself or not, then they must be freed from this terror

by the reduction of armaments and navies to such number as would be sufficient merely for police purposes and the guarantee of peace by a concert of nations which would guarantee justice to all alike. This would be making his idea of the Monroe Doctrine world wide. The organization by which this was to be made effective was to be found in a League of Nations.

Such was the wave of idealism which carried President Wilson to Paris. For a brief time, before the war was won, the wave had spread over Europe, but by the time President Wilson got there it had subsided, there had been a "slump of idealism." By that time the Elder Statesmen were back on the old job and were thinking of peace only in terms of reparation, retributions, military guarantees, and economic advantages. The Fourteen Points suffered heavily, but they were not utterly discarded. Occupied areas were already or were to be evacuated, devastated areas were to be restored, boundaries were to be rectified, though not in all cases according to the President's ideas, subject peoples were to be given autonomy, several new states were to be created and guaranteed their independence and territorial integrity, and Poland and Serbia were to be given access to the sea. Very little was said about the removal of economic barriers or the guarantee of equal trade conditions except in mandated territory. "Open covenants openly arrived at" was sadly mutilated at the opening of the conference, yet not utterly strangled, for provision was made in the League of Nations against any more secret treaties. Some of the Elder Statesmen were not at all enthusiastic about Point 14, a League of Nations, but something had to be conceded to President Wilson and

they took care to make the organization ultimately adopted as harmless as possible.

February 3, 1919, the commission appointed to draw up the Covenant of the League of Nations, composed ultimately of the representatives of fourteen nations, held its first meeting, President Wilson presiding. A few in attendance, such as Mr. E. M. House, Lord Robert Cecil, and General Smuts, were heartily for the League. While most of the others were supporters, they were not particularly strong or enthusiastic; only the French delegates, Bourgeois and Larnaude, were in active opposition.

President Wilson has been criticized for going to Paris without a program. This criticism can be sustained only if we say "comprehensive program," for he certainly did have a program, reduction of armaments and permanent peace through a League of Nations. Before leaving America he had thought all this out. Unfortunately his "single track mind" had not thought out and found a solution for all the problems sure to be complicated with his program. But it must not be forgotten that the difficulties heaped before him in Paris were stupendous and it is doubtful if any man in America could have handled them better than he did.

Before we entered the war President Wilson had said (January 22, 1917) that there could be no sense of safety and equality among nations, "if great preponderating armaments" were "henceforth to continue here and there to be built up and maintained." Following out this idea he embodied it in Point 4 and sought to safeguard against armaments in the Covenant of the League. Article IV of his draft of the Covenant reads in part as follows:

The contracting powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety, and the enforcement by common action of international obligations; and the Delegates are directed to formulate at once plans by which such a reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Governments signatory to this Covenant.

As the basis for such a reduction of armaments, all the Powers subscribing to the Treaty of Peace of which this Covenant constitutes a part hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defense and of international action shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.<sup>2</sup>

Now this idea was startling to the Elder Statesmen at Paris and they at once objected to such a low standard, "domestic safety," as dangerous. To give up conscription and compulsory military service was impossible, unthinkable. This idea found lodgment, not only in the minds of men from the older and larger states, but also in those of the newer and smaller ones. Poland in particular said that she, surrounded by enemies, must have larger instead of smaller armies.

Those who raised such objections either overlook the fact that, while each nation would be materially crippled in the power of defense, every other nation would be correspondingly crippled in the power of attack, or they put forward this objection to camouflage their militaristic, imperialistic ambitions. All

<sup>2</sup> Baker, "Woodrow Wilson and World Settlement," III, 102.

avored disarmament of Germany, that is, the reduction of her army to the lowest point consistent with domestic safety, and the prohibition of compulsory military service there. The English saw at once that this would relieve them of the necessity of resorting to compulsory military service, something almost impossible north of the Channel, but the French declared such a thing impossible for them, even with Germany disarmed. They must have guarantees of safety. The opposition on this score was so great that, before the commission ever met, President Wilson agreed to a modification, providing that the Executive Council should inquire into the feasibility of abolishing compulsory military service. Still the French were not satisfied and called for guarantees. President Wilson insisted that they would get the necessary guarantees by making the Covenant a part of the treaty of peace, for all the powers would be parties to the guarantee of the fulfillment of the treaty and this would remove all excuses for heavy armaments on the part of one or more. This guarantee was offered in what ultimately became Article X, which reads:

The High Contracting Parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Executive Council shall advise upon the means by which this obligation shall be fulfilled.

Still the French were not satisfied. The fact is they wanted compulsory military service for the safety of their Rhine policy, the details of which do not concern us here. Sufficient here to say that, while President Wilson saw safety only in coöperation, Bourgeois saw



it only in armaments, whatever "safety" may have meant to him. He seems to have been looking to the indefinite weakening of Germany in military and economic affairs and could not think of the day when she should be admitted to the League. As a counter move to the Wilson proposal, Bourgeois offered the draft of a League based on Foch's idea of force. It proposed to maintain peace by "substituting Right for Might as the arbiter of disputes," with an International Tribunal to render the decisions. For the enforcement of decisions the "International Body" was to have at its command an army and navy made up of contingents furnished by the members in a ratio fixed by itself and looked after by a permanent military staff.<sup>3</sup> Apparently this meant compulsory military service among all the members. The plan did not meet with much favor, not only among the Americans, but especially among the British delegates, who scented a league naval staff, a rival to the British naval staff, which would not be particularly attractive. But on the matter of compulsory military service and to a large extent on armaments Bourgeois had his way. Outvoted, if not outtalked (he took up more time than all the rest of the delegates combined), Bourgeois finally agreed to accept the Wilson (or Hurst-Miller, if that is more nearly correct) plan "in principle," though he was afterwards to attack it in detail.

The Covenant as adopted has been printed so often that it seems hardly necessary to give more than a summary of the provisions chiefly responsible for raising the storm in America. Article VIII, instead of reducing the armies to a mere police force, as Wilson proposed, reduced them to "the lowest point consistent

<sup>3</sup> Baker, III, 152-162.

with international safety" and provided for "the enforcement by common action of international obligations." It further provided that the Executive Council should make out a program of disarmament and that this scale, once adopted, should not be exceeded without permission. Article X has already been given. Articles XII-XVII provided for the settlement of disputes by arbitration and certain ways of carrying out the decisions of the international court of justice, which was to hear any case recognized by the disputants as justiciable, if not settled by diplomacy. The members agreed not to go to war before submitting any dispute not settled by diplomacy either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators or a recommendation by the Council. In case any member refused to comply with the recommendations of the Council, then the Council should "propose measures necessary to give effect to the recommendation." Any member disregarding the provisions of Article XII should be regarded as having committed an act of war on the other members and they should then institute an economic and financial boycott of the offending member. In such cases the Council was to "recommend what effective military or naval force the members" should "severally contribute to the armed forces to be used to protect the Covenant of the League."

The Covenant having been completed and accepted by the Council at Paris, President Wilson put a copy in his pocket, cabled the committees on foreign relations of both houses of Congress that he wished them to dine with him at the White House and confer on the League, and the next day (February 15, 1919) sailed for America.

The backwash of the wave of idealism which had carried President Wilson to Paris had already reached America and produced a "slump in idealism." Even before the Conference at Paris ever met Senators Borah, Lodge, and others began to discuss the proposed League of Nations and declared that it was inconsistent with our traditional policy. In a speech delivered December 6 Senator Borah declared that it would abrogate the Monroe Doctrine and illustrated by the purchase of the Danish West Indies.

Why did we purchase the St. Thomas Islands? They were situated on one of the routes leading to the Panama Canal. It was known or feared that Germany wished to secure these islands. We would have no right to object to her securing them except the right which arises out of the Monroe Doctrine. As a sovereign nation Denmark had a right to sell. As a sovereign nation Germany had a right to buy. Had she purchased and had we submitted to it, the Monroe Doctrine would have been at an end. Suppose she had purchased the islands and had undertaken to take possession of them. Would we have consented for Germany to have those islands on the route to the Panama Canal? Would we have submitted to an international court the question of whether or not we should maintain the Monroe Doctrine? Or if we had submitted it and it had been decided against us, would we have given up the Monroe Doctrine and permitted Germany to acquire the islands? Suppose Germany had purchased them and started to take possession and we had moved our battleships to the waters in the neighborhood of these islands to prevent her taking possession. Under this league to enforce peace that would have put us in the wrong and we would have found ourselves a member of a league by the terms of which we invited all the nations of Europe to fight us because we refused to submit the Monroe Doctrine to a tribunal or refused to give it up. Do you think we would have submitted any of these questions to an arbitral tribunal composed entirely of foreign nations? If it had been submitted,

do you think the people of the United States would have sustained the treasonable administration that had done so? <sup>4</sup>

As the Covenant neared completion and parts of it became known others joined in the attack. Four days after President Wilson sailed with the completed draft, Senator Poindexter attacked it all along the line and was ably seconded by Senator Borah two days later. February 22—significant day—Senator Frelinghuysen read to the Senate President Washington's Farewell Address, which, it was charged, the League would mummify. A running fire was then kept up, Senators Reed and Cummins attacking, Williams and Lewis on the defense, until and including the day of the White House Conference, February 26.

At the conference President Wilson undertook to answer some of the objections that had been raised. To the first question, "What will become of the Monroe Doctrine?" he replied that it would not abrogate the doctrine, but would extend its principles to the world, and that a special reservation of the doctrine was unnecessary. He further held that any country could decline to accept a mandate, that immigration would be no concern of the League, that any nation could withdraw by taking the proper steps to abrogate the treaty, and admitted that the League would limit the sovereignty of its members, just as any treaty limits that sovereignty.

The conference, which was not very friendly, or satisfactory to any one, was followed by a truce of one day, after which Senator Lodge launched the major attack. In this he denounced the League as an abandonment of the policy of isolation laid down by

<sup>4</sup> Sixty-fifth Cong., 3d sess., *Cong. Rec.*, 57, 195.

Washington in his Farewell Address and hallowed by more than one hundred years of observance. While Washington did not close the door to temporary alliances for particular purposes, he did warn against permanent alliances. Such was the character of the League, permanent and indissoluble. The abandonment of Washington's policy would carry with it "the corollary known as the Monroe Doctrine." The contention that it was preserved in Article X was without foundation. Continuing he said:

The Monroe Doctrine exists solely for the protection of the American Hemisphere, and to that hemisphere it was limited. If you extend it to all the world, it ceases to exist, because it rests on nothing but the differentiation of the American Hemisphere from the rest of the world. Under this draft of the constitution of the league of nations American questions and European questions and Asian and African questions are all alike put within the control and jurisdiction of the league. Europe will have the right to take part in the settlement of all American questions, and we, of course, shall have the right to share in the settlement of all questions in Europe and Asia and Africa. Europe and Asia are to take part in policing the American Continent and the Panama Canal, and in return we are to have, by way of compensation, the right to police the Balkans and Asia Minor when we are asked to do so. Perhaps the time has come when it is necessary to do this, but it is a very grave step, and I wish now merely to point out that the American people ought never to abandon the Washington policy and the Monroe Doctrine without being perfectly certain that they earnestly wish to do so.<sup>5</sup>

He found many other evils wrapped up in Article X and those which follow it. Although the objections raised, that the guarantee of territorial integrity to each nation would obligate us to maintain an army

<sup>5</sup> *Cong. Rec.*, 57, 4521.



and navy to carry out the guarantee, that the power of the League over war deprived Congress of its power to declare war and would necessitate an amendment to the Constitution, that we would be bound to submit to the League court or to the council every dispute, including those over immigration, that the League would take up American questions, that we might be forced into an economic war against our will, that the promise of equitable treatment to the commerce of all nations might bring tariff policies before the League, and that the League would abridge our treaty making power—although these questions were a natural outgrowth of the alleged abandonment of the policy of isolation and of the Monroe Doctrine, they are not of sufficient importance to warrant further discussion here. Taking care of the permanent and “entangling alliances” and of the Monroe Doctrine would take care of them.

The attacks continued up to the day of final adjournment, Senators Knox, Hardwicke, Cummins, Sherman and McCumber participating. March 4, a short time before adjournment, Senator Lodge read to the Senate the “Round Robin,” signed by thirty-seven members, declaring that, in the opinion of the signers, the Covenant of the League of Nations “in the form now proposed to the peace conference” should not be adopted.<sup>6</sup>

Discussion outside of Congress had kept pace with that in the Senate, but on the whole was more favorable to the League. Many distinguished men and many leading newspapers favored ratification without reservations, some were for it with amendments, while comparatively few opposed it *in toto*. Ex-President

<sup>6</sup> *Cong. Rec.*, 57, 4974.

Taft thought no reservation necessary on the Monroe Doctrine, but Mr. W. J. Bryan did.

The queer thing about Mr. Bryan's attitude is that he had negotiated and secured the ratification of certain treaties in which the "high contracting parties agree that all disputes between them, of every nature whatsoever . . . shall, when diplomatic methods of adjustment fail, be referred to an international commission," and they further agree "not to declare war or begin hostilities during such investigation and before the report is submitted." Clearly "disputes . . . of every nature whatsoever" would include disputes about the Monroe Doctrine. It is true that the United States, in entering the League of Nations, would agree to submit disputes to arbitration and to abide by the decision, which goes a step further than the Bryan treaties, but Mr. Bryan undoubtedly had such a step in mind as the ultimate goal when his treaties were drawn up. That we had already agreed that disputes arising out of the Monroe Doctrine should be submitted to commissions of inquiry does not seem to have occurred to the debaters in the Senate.

When President Wilson left Paris the enemies of the League planned to have it dead and ready for burial by the time he returned. They did this, not by any open attack, but by proceeding with the peace treaty as though there would be no League. Even the timid friends of the League were ready for the obsequies.<sup>7</sup> Not so President Wilson. Immediately after his return he brought consternation to the enemy by coolly announcing that the League would be a part of the peace treaty as previously agreed.

<sup>7</sup> Baker, "Woodrow Wilson and World Settlement," I, 295 ff.

In this way he resuscitated the League, but there was still the problem of the American demands for amendment. While the demands were numerous—Mr. Charles E. Hughes offered seven,<sup>8</sup> Mr. Elihu Root six<sup>9</sup>—they may be boiled down to five: (1) Reservation on the Monroe Doctrine, (2) recognition of the sovereignty of the United States and of her right to make treaties and declare war and decide on economic boycott, (3) provision for the withdrawal of the United States, (4) the exclusion of domestic questions, such as the tariff, immigration, state debts, from the jurisdiction of the League, and (5) the making of the acceptance of mandates optional. While in America President Wilson had refused to discuss amendments at all. For this attitude he was not without what appeared to be good reason. The demands for change in America looked to the weakening of our responsibility for carrying out the provisions of the treaty and for interference in any European difficulty. In France the demand was for an increase of our responsibility, especially for her security and the enforcement of her rights under the treaty. To satisfy one would increase the displeasure of the other. Besides, opening the Covenant to amendment—other nations were wanting changes—might open the floodgates to amendments that would virtually wreck the League. Naturally the President halted for a time, debating whether to yield to the one or the other, or plunge straight ahead.

Up to the time of sailing President Wilson gave no sign of weakening on amendments, but on arriving in Paris he found, except among the French delegates,

<sup>8</sup> *N.Y. Times*, March 26, 1919, 1.

<sup>9</sup> *Ibid.*, March 27, 1.

an increasing willingness for change. In fact some were calling for changes in line with the American demands, such as greater protection for their sovereignty and against interference in internal affairs. At this juncture the British delegates offered a way out of the difficulty with France in the matter of guarantees through a triple alliance in which the United States and Great Britain should guarantee her safety until the League could function.<sup>10</sup> When the commission on the League Covenant resumed its sittings (March 22) he had this with which to combat the French objections to American amendments. He did not offer the reservation on the Monroe Doctrine at first, but the French probably knew that it was coming and they raised some objection to the amendment relating to withdrawal as weakening their guarantees. President Wilson pointed to the League and the temporary alliance, but they said that this was not enough and the whole question of armaments was gone over again and again. It now became clear that guarantees were not all the French wanted; in reality they were seeking a free hand on the Rhine and wanted forces with which to back up this policy and a policy of extensive reparations.<sup>11</sup>

To this President Wilson would not assent and he now called a bluff by cabling for the *George Washington* to come for the American delegation (April 7). At last Clemenceau realized that it was time to call a halt and passed the word that some concessions should be made on the Rhine and that amendments

<sup>10</sup> Baker, I, 321; II, 70.

<sup>11</sup> After this fight in behalf of justice to Germany it is one of the ironies of fate that the final defeat of the League should have been due in part to a successful appeal of the politicians to the pro-German vote.

to the League must be accepted. This was done because of some concessions on both sides on the matter of the Rhine and reparations. President Wilson now (April 10) brought in the reservation on the Monroe Doctrine substantially as cabled by Mr. Taft (March 18). While this was somewhat specific and limited to the matter of the independence and territorial integrity of American states, Bourgeois and Larnaude were alarmed and saw in this the sweeping away of their only hope of security in Article X. To the assurance of Wilson and Lord Robert Cecil that the Monroe Doctrine and the League were not inconsistent, they asked why, in that case, it was necessary to make any reservation. They also called for a definition of the doctrine. Would the reservation of the doctrine mean that the United States would continue to observe the policy of non-participation in European affairs? They wanted the United States "legally bound" beyond any possibility of misunderstanding to participate in the settlement of affairs in Europe. The British objected to definition, even the limited definition in the proposal before them, saying that this might extend or limit its application. In spite of Clemenceau's warning Bourgeois and Larnaude kept up the show of opposition to the end, but the British proposal was accepted and embodied in Article XX.<sup>12</sup> It reads:

Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace.

Article X, the great bone of contention in America, remained virtually unchanged, but other articles were

<sup>12</sup> Baker, I, 330-9.



amended in an effort to meet some of the objections to this one. A paragraph was added to Article I allowing any member to withdraw after two years' notice, provided all its obligations under the Covenant and under international law had been fulfilled at the time of withdrawal. To make certain of the removal of questions arising out of immigration from the jurisdiction of the League Article XV was amended so as to provide that if any member claimed, and the council found, that a particular dispute arose out of a matter which, by international law, was solely within the domestic jurisdiction of that party, then the council should so report and make no recommendation. No really fundamental changes were made in the articles concerning arbitration, though it was now made mandatory upon the council to report a plan for an international court. Nothing was said about whether the acceptance of a mandate should be obligatory or not.

While the provisions for withdrawal met the objection that the League was a permanent alliance, it did not, in the opinion of some, meet the objection that Article X made it an "entangling alliance," even if President Wilson did say that it was a "disentangling alliance." Even the reservation on the Monroe Doctrine was criticized as insufficient and it soon became evident that enough objectionable features still remained for a fight by those who wanted one. The charge was freely made, both in and out of Congress, that the opposition to the League in the Senate was partisan in character and carried on for political purposes. The fact that some Republicans favored the Covenant and some Democrats opposed can hardly be cited as evidence that the charge was untrue. There

can be no doubt that some opposed the League in all honesty, but it appears that some were influenced by personal spite. As the debate progressed its partisan character became more and more evident. Public men, as well as private citizens, have a right to change their opinions without subjecting themselves to charges of inconsistency or unpatriotic motives. Changed conditions sometimes compel a change of opinion, but it is a little hard to see that there had been a change in international relations sufficient to compel Senator Lodge, who as recently as 1915 had ardently supported some form of a league with power to maintain peace, to change his attitude. True he still claimed to favor a league, but wanted to strip this one of practically all power.

An explanation, whether the sole one or not, is to be found in the political situation. In the Congressional elections of 1918 the Republicans were successful and after March 4, 1919, they would control both houses, provided Senator Newberry was seated. To support the Wilson policies would be to throw away the fruits of victory. An issue must be found. The conduct of the war offered little, but great possibilities were wrapped up in the League of Nations—it would be so easy to arouse the people to patriotic fervor by appealing to the memory of Washington against entangling alliances and to the hardly less sacred Monroe Doctrine. The outcome of the first encounter in the Senate was not altogether reassuring, for the sentiment of the country seemed to be for the League. Since 1916, thirty state legislatures had gone on record in favor of a league, and since January, 1919, thirteen had taken favorable action, some of them on the Covenant as adopted at Paris. Many of the patriotic and

peace organizations, as well as many leading public men, approved.<sup>13</sup>

The play was risky, but the stakes were great. The country already seemed weary of the Democratic administration and within the year and a half to pass before the Presidential election it might be possible to convince the people that entrance into the League, as the administration proposed, would mean our undoing. The mind of the leaders was made up.

The next day after the revised draft of the Covenant was adopted by the council at Paris, Senator Lodge held a conference at his Washington home with a few kindred spirits who happened to be near and he and Senator Curtis, the party whip, telegraphed their fellow Republican Senators suggesting that they reserve "final expressions of opinion" until a conference could be held.<sup>14</sup> But Senator Borah did not think it necessary to wait; he announced at once that the adoption of the Covenant with Article X in it would mean treason. And so preparations for the contest went on.

President Wilson called Congress in extra session May 19, 1919, but he did not return to America until July 9. Meantime the Republicans organized the Senate, with Senator Lodge as chairman of the committee on foreign relations, and prepared for the coming struggle. July 10 President Wilson laid the treaty of peace with Germany, of which the Covenant of the League of Nations was an integral part, before the Senate for ratification. By September it became clear that the struggle would be a long and bitter one and President Wilson, determined to appeal to the country, left for a speaking tour extending to the Pacific which cul-

<sup>13</sup> N.Y. *Times*, April 28, 1919, 2:4.

<sup>14</sup> *Ibid.*, April 30, 1.

minated in a complete physical break-down. A few days after he left, Senator Lodge, for the majority of the committee on foreign relations, reported (September 10) a resolution for ratification with certain amendments to the treaty and four reservations on the League of Nations. In the first the United States reserved the unconditional right to withdraw from the League upon serving due notice, in the second she declined to assume any obligation to guarantee the territorial integrity or political independence of any other country, or to interfere in controversies between other nations, or to adopt an economic boycott for the benefit of any country or to coerce any country, or to accept any mandate except by vote of Congress. In the third she reserved the exclusive right to decide what questions were within its domestic jurisdiction such as immigration, tariff, etc., and declared that such questions would not be submitted to arbitration or consideration by the League. In the fourth she declined to submit to arbitration or inquiry by the League any question which, in her judgment, related to the Monroe Doctrine, and declared that the said doctrine was wholly outside of the jurisdiction of the League and was to be interpreted by her alone.<sup>15</sup>

For the minority Senator Hitchcock, formerly chairman of the committee, reported in favor of ratification without amendment or reservations. In this report the minority did not attempt to answer directly any of the objections made by the majority, but praised the Covenant as a workable plan for saving the world from wars and preparations for war.<sup>16</sup>

As the debate progressed other amendments and

<sup>15</sup> Sixty-sixth Cong., 1st sess., *Cong. Rec.*, 58, 5113 f.

<sup>16</sup> *Ibid.*, 5215.

reservations were added to the original four until they numbered fourteen in all. The only addition of importance for this study was Reservation 10, which reserved to the United States the right to increase her armaments whenever threatened with invasion or engaged in war, even if she had adopted any plan of limitation of armaments proposed by the council. These reservations to the resolution for ratification were adopted by a majority vote.<sup>17</sup>

November 19 was set for the vote. November 18 President Wilson wrote to Senator Hitchcock that ratification with these reservations would mean the death of the treaty. Although the President had never expressed a willingness for any reservations except such as were interpretative and not a part of the resolution of ratification, Senator Hitchcock now announced that, while the friends of the treaty and League believed that domestic questions were not subject to consideration by the League, they were willing to incorporate a reservation making that perfectly plain; also one making the protection of the Monroe Doctrine plain to those who doubted; also one making it impossible for the League to order out our army and navy. But reservations completely emasculating the League or insulting to the other powers they would not accept.<sup>18</sup>

The vote on the resolution to ratify with the fourteen reservations was defeated 39 to 55, one not voting. In the negative vote were 13 Republicans, among them Senators Borah and Johnson, who were opposed to a league in any form. A motion to reconsider was at once carried and Senator Hitchcock offered a compro-

<sup>17</sup> *Cong. Rec.*, 58, 8777.

<sup>18</sup> *Ibid.*, 8779.



mise which the mild reservationists were willing to accept. On withdrawal and on excluding domestic questions from the jurisdiction of the League his reservations were substantially the same as those of Senator Lodge. The one on the Monroe Doctrine "as announced and interpreted by the United States" also was substantially the same and the doctrine was specifically excluded from "any decision, report, or inquiry by the council or assembly." The resolution to ratify with these reservations was defeated 41 to 50, four not voting. On motion of Senator Underwood the vote was then taken on unconditional ratification and this was defeated 38 to 53, four not voting. The Senate then adjourned without a day.<sup>19</sup>

Even the bitter-enders did not feel safe and Senator Borah predicted that a compromise would be reached and the treaty ratified. The action of Senator Hitchcock in offering reservations was in response to a growing demand in the country for compromise and ratification. Still the President made no move. He had appealed to the Senate not to "break the heart of the world" by rejection and he now called for a "solemn referendum."<sup>20</sup>

Europe had been waiting our action, and some feared that rejection here would mean the death of the League, but the Allies now (January 10) exchanged ratifications and the League became a reality without the United States.

Senator Lodge gladly accepted President Wilson's challenge for a "solemn referendum," but many friends of the League regretted this move and pressure for ratification was redoubled. There can be no doubt

<sup>19</sup> *Cong. Rec.*, 58, 8786, 8800, 8805.

<sup>20</sup> *Literary Digest*, Jan. 17, 1920, 11; *Review of Reviews*, 61:116 f.

that a two-thirds majority of the Senate and a large majority of the people favored ratification. The trouble was to agree on compromise reservations. The latter part of January President Wilson wrote to Senator Hitchcock indicating a willingness to accept his reservations. This was followed by several bi-partisan conferences in an effort to reach an agreement, but Senator Lodge notified the friends of the treaty that they must accept his reservations on Article X and the Monroe Doctrine and the conference ended.

A few days later Viscount Grey, who had spent a short time in Washington as ambassador and had returned home, published in the London *Times* a letter which indicated that England and France were willing to accept ratification with the Lodge reservations, which he considered reasonable from the American standpoint and not detrimental to Great Britain.<sup>21</sup>

President Wilson's letter to Senator Hitchcock was now made public and the next day (February 9) the Senate voted, 63 to 9, to take up the treaty again. The bitter-enders now gave up hope, feeling sure that ratification was certain. Senator Lodge now offered certain reservations, among them a modified form of the reservation on Article X, which the mild reservationists and many Democrats agreed to accept. It stipulated that the United States would assume "no obligation to preserve, by the use of military or naval forces, or by economic boycott, or by any other means, the territorial integrity or political independence of any other country," or take part in controversies, or use its army and navy under any other clause of the treaty unless in any particular case Congress should so order. Senator Hitchcock at once announced his

<sup>21</sup> *Review of Reviews*, 61:254.

rejection of this reservation on the ground that the phrase "or by any other means" destroyed every weapon left under Article X. As a counter proposal he offered two reservations on Article X, either of which twenty-eight Democrats had agreed to accept. One had been drafted in the bi-partisan conference, the other by ex-President Taft. The difference between the first of these and the Lodge reservation (not the one with "or by any other means") was summed up by a committee of which Dr. A. Lawrence Lowell was chairman. In their opinion the difference was that the Lodge reservation declared we would "assume no obligation under the article without the approval of Congress in each specific case," while the Hitchcock reservation declared that we would "assume no obligation to take action under the article without the approval of Congress in each specific case." In the judgment of the committee the difference was incomprehensible.<sup>22</sup> Indeed, the difference was about as great as the difference between tweedle dum and tweedle dee. It began to look as if enough Democrats would accept the Lodge reservations to insure ratification, but if Viscount Grey had influenced any of the senators, he did not influence President Wilson, except, possibly, in a way not intended, for he now sent word to the Democrats that he would not accept the Lodge reservations.<sup>23</sup> Two days later (March 2) Senator Hitchcock offered a reservation on the Monroe Doctrine which was acceptable to President Wilson, but the Senate rejected it 34 to 43, 18 not voting. Thereupon the Lodge reservation of November 19, differing from the Hitchcock reservation about as much as

<sup>22</sup> *Cong. Rec.*, 59, 2676.

<sup>23</sup> *N.Y. Times*, Feb. 29, 1920, 1.

President Lowell thought the Lodge reservation on Article X differed from the bi-partisan reservation, that is, as tweedle dum differs from tweedle dee, was adopted 58 to 22,<sup>24</sup> seventeen Democrats voting for it as against nine in November. The reservation on domestic questions was also adopted.

Article X was yet to be disposed of and President Wilson wrote that to state our constitutional procedure (by assent of Congress) was a work of supererogation, that we could not escape world responsibility and that any reservation which sought to weaken Article X cut "at the very heart and life of the Covenant itself." Many Democrats now seriously considered breaking with the President and when the Lodge reservation on Article X, minus the phrase "or in any other way," came up fourteen supported it, although the President had again declared the reservations unacceptable. This reservation was adopted 36 to 26. Four days later (March 19) the resolution to ratify with fifteen reservations was defeated 49 to 35, twenty-one Democrats voting for it and twenty-three Democrats and twelve Republicans against it, twelve not voting.<sup>25</sup>

The irreconcilables had succeeded beyond their greatest hopes. The Covenant of the League of Nations had been defeated and the nation saved, temporarily at least, from entangling alliances and from abandoning the Monroe Doctrine. It would now abandon world leadership and revert to the policy of isolation.

The hands of the clock had, it seemed, been turned back to 1823. Yet the irreconcilables did not feel altogether secure. The "solemn referendum" was yet to

<sup>24</sup> *Cong. Rec.*, 59, 3747-8.

<sup>25</sup> *Ibid.*, 59, 4577-99.

come. The League had indeed been cast over, but could they force the Republican party to condemn any and every form of a League and would the nation then support that party? In the first they failed, for the Republican Convention knew that they had nowhere else to go and contented itself with praising the Senate for defeating the League and sought to hold the friends of the League, such as Messrs. Root, Taft, and Hughes, and their followers by pledging the "coming Republican Administration to such agreements with other nations of the world as shall meet the full duty of America to civilization and humanity, in accordance with American ideals, and without surrendering the right of the American people to exercise its judgment and its power in favor of justice and peace." The Democratic convention also compromised by commending its partisans in the Senate and made a bid for the support of the reservationists by promising to accept any reservations "making clearer or more specific the obligations of the United States" without impairing the essential integrity of the League.<sup>26</sup>

Before the final vote was ever taken in the Senate many predicted that there would never be any "solemn referendum" on the League. The nature of our political organization makes such a referendum very difficult. In England the situation is different. There in 1910 the people were asked specifically whether they approved of the Lloyd George budget and the following year whether they wanted the power of the House of Lords curbed. In both cases they answered in no uncertain terms. In this country the issues are generally mixed. In 1832 the people probably would have

<sup>26</sup> *World's Work*, March, 1921, 646; *Review of Reviews*, 62:117.



sustained the National Bank, but they elected Andrew Jackson, the bitter enemy of the bank, as President. We have had several elections on "paramount" issues, such as the tariff, or free silver, and the results have been generally accepted as conclusive, but a careful study of the situation will reveal the fact that the issues were mixed. In 1920 there was no clear-cut issue, for both parties claimed to favor a league; the difference was a quibble over words. The country was already tired of the Democratic administration and had shown its weariness by returning a Republican Congress in 1918. Yet had the bare question of ratifying or rejecting the League been submitted to the people at any time in 1919, the result probably would have been a vote of approval. But in 1920, when asked to choose between the Democrats and the Republicans, the one promising the League with reservations, the other an "Association of Nations," it spoke for the latter in no uncertain terms.

When we come to place the responsibility for the defeat of the League of Nations the real blame must be shared, perhaps about equally, by President Wilson and Senator Lodge. The former made his first mistake in going to Paris instead of sending a commission with a representative Republican, such as Mr. Taft or Mr. Root, on it, together with some senators, among them Senator Lodge. As we learn more and more of the inner workings of the Conference it seems that there was need of a man of Wilson's strong will power to hold the Allies in check, but he should at least have taken some senators with him. In the second place, when the Covenant was completed he sought to force it on the Senate unchanged, as though it were perfect. We know now that he had good rea-

son to fear opening it to amendment, but apparently he gave no inkling of this to the senators. Such is not the procedure of Democratic diplomacy. How any man, after the election of 1918, which turned the Senate over to his political enemies, could have dreamed of putting through so important, so revolutionary, a treaty without consulting that body in advance or yielding to it in some particulars is hard to see. The explanation seems to be that his "single track" mind was moving along a road which he believed would lead him to the people, another kind of Democratic diplomacy, and that once he got to the people they, in some way, would force an unwilling Senate to accept his work and call it good. Such a profound student of history ought to have known that such a thing was not possible in America under the circumstances then confronting him, whatever might happen in England in a like situation. The House of Commons may be made immediately amenable to the people; the Senate cannot. However, this much must be said for him. While he always let it be known that he was a Democrat, it cannot be said that in asking for the League he was seeking partisan advantage. Also, it must be remembered that he had not recovered from a physical collapse which almost caused his death. But the Democratic minority must share the responsibility with him. Had they only made a determined stand for acceptance of reservations agreeable to the other side it is possible that they could have bent his iron will.

When we come to the other side we must respect the honest opposition of Senator Borah and at least a few of his irreconcilable group. They were simply born one hundred years out of season. They belong to the

year 1823. We can hardly say this of Senator Lodge and certain of his coadjutors, or that they were not seeking partisan advantage. Had they been willing to put patriotism above politics at the water's edge, the League could have been saved and the nation might have kept its position of moral leadership to which the Monroe Doctrine had been evolving for a century. Even here, however, the partisans of the League must admit that its enemies were not without grounds for their suspicions of the honest intentions of the great powers when playing the game of world politics.

If the irreconcilables on both sides had accepted the Covenant and America had entered the League, would her leadership have been accepted and would she have saved Europe from moral and economic bankruptcy? Probably not. The latter was already at hand. The moral ideas which President Wilson sought to put forward in the Covenant for the future guidance of the nations were so new to Europe, to the world, that it was hard for Europe—and some in America—to accept them in so short a time. That conditions could have been worse with the United States in the League is inconceivable. With membership in the League and a representative on the reparations commission, our advice, from Genoa to Lausanne, would have been far more effective than when given by an "observer" whose presence was not always welcome because he represented a nation ready with advice, but equally ready to shun responsibility.

## CHAPTER XXI

### THE WASHINGTON CONFERENCE AND THE SENATE DEBATE

. . . these two Governments [the United States and Great Britain] must enter a compact for peace and gradual disarmament. Then we can go about our business for (say) a hundred years.—Walter H. Page to E. M. House, January 8, 1914.

We have reached the conclusion that the true course to bring America into an effective League to preserve peace is . . . by frankly calling upon the nations to agree to changes in the proposed agreement which will obviate this vital objection to Article X and other objections less subject to dispute.—Statement issued by Charles E. Hughes and thirty other “advocates of international coöperation to promote peace,” October 15, 1920.

Immediately after the signing of the Treaty of Versailles, without waiting for its ratification, the Allies proceeded to a temporary organization of the reparations commission and members of the American delegation sat with it. President Wilson assumed that the treaty would be ratified and wished to appoint a regular member, but this the Senate refused to approve. When the peace delegation finally left Paris the President instructed Mr. Albert Rathbone, assistant secretary of the treasury, to attend the meetings of the commission and keep his government informed of its proceedings. Upon the reorganization of

the commission after the ratification of the treaty by Germany (January, 1920) the United States was asked to send an unofficial representative and Mr. Rathbone continued to sit with the commission until he left Paris in the spring of 1920.

After the close of the peace conference the ministers of the Allied Powers began to hold meetings at rather frequent intervals to discuss unfinished business. While the United States was not represented in these she several times attempted to influence the results. In January, 1920, conferences were held in London and Paris on the Adriatic problem. The ministers reached an agreement and sent an ultimatum to Serbia, but the United States protested against its terms and secured a modification. The protest of the United States against the San Remo agreement on oil has already been given. The conference at Spa (July 5-11) tended to increase the burden on Germany. In November France and Great Britain announced that the reparations commission would be allowed to choose experts to investigate the question of indemnity and called a conference of the experts to meet at Brussels in December. The conference agreed upon a plan which appealed to the members as feasible, but it was not satisfactory to France. After the Paris conference (January, 1921) Millerand, the militant, intervened and somewhat heavier terms were agreed upon, including payments extending over forty-two years instead of thirty, and Germany was ordered to be ready to sign in London February 28.

After the retirement of Mr. Rathbone Mr. Roland W. Boyden succeeded to the office of unofficial observer at the meetings of the reparations commission. The election in November made it clear that the



United States would have no part in the enforcement of the treaty and President Wilson now instructed Mr. Boyden (February 11, 1921) to announce his withdrawal.

While the Senate was discussing the League of Nations Secretary Daniels had come forward with a rather startling naval program. After the defeat of the League and the election of Mr. Harding he stood for a navy second to none and he and Secretary Baker proposed an army and navy program calling for \$3,500,000,000 a year. At the same time Secretary Daniels repeatedly called for a conference on disarmament. Whether he felt any twinge of conscience over the defeat of the League or not Senator Borah now (January, 1921) introduced a resolution authorizing and requesting the President to call such a conference, but it was sidetracked by the committee on naval affairs. In alarm Sir Auckland Geddes journeyed home and came back with authority from Lloyd George to ask for the calling of such a conference in the name of England, Europe, and the world.<sup>1</sup>

Even before this it was becoming clear that economic conditions were going from bad to worse. A few days after the retirement of Mr. Boyden an important meeting of the reparations commission was held in London. By this time it seemed certain that France would demand the uttermost farthing and seize upon the Ruhr in default of its payment. The Harding administration soon decided at least to keep in touch with the course of events and directed Mr. Boyden to accept the invitation of the commission to resume his seat. By July conditions had become so bad that the League Council decided to call a financial

<sup>1</sup> *Rev. of Rev.*, 63: 117, 244.

conference at Brussels (September) and invited all the powers except Turkey and Russia.

While the discussion was going on in the Senate on the question of calling a conference Mr. Harding declined to commit himself, seemingly uncertain whether a conference on disarmament would come up to his promise for an association of nations or whether it was necessary to keep his campaign promise. But soon after the special session of Congress was called Senator Borah again brought up his resolution for a conference and now President Harding began to sound out a few nations on their attitude towards a conference on the limitation of armaments and on the settlement of Pacific and Far Eastern questions. Meeting with encouragement he issued (August 11, 1921) a call for a conference to "relieve productive labor and industry of the staggering burden of armaments," which were a "menace to the peace of the world." He also somewhat hesitatingly opened the door for an "association of nations" by expressing the pious hope that the cause of peace would be promoted by a desire for peace and that the desire might find "expression in a practical effort to remove causes of misunderstandings and to seek ground for agreement as to principles and their application." In line with this it was the desire of this government to find a solution of the Pacific and Far Eastern problems and so "promote enduring friendship among the peoples."<sup>2</sup>

Undoubtedly this was a clever move. The United States had had no particular interest in the solution of European problems. The only motive put forward by President Wilson was the peace and order of the

<sup>2</sup>Conference on the Limitation of Armaments, 1921-1922 (Washington, 1922), 4.

world. But the United States did have some important interests in the Pacific and the Far East and the solution of these problems was linked up with the limitation of armaments, out of which the taxpayer might hope for some relief. To understand the Washington Conference one must have at least an elementary knowledge of the problems of the Far East as they affected the United States. Chief of these is the Asiatic Monroe Doctrine of Japan.

When Commodore Perry sailed into Japanese waters (1853) he did not realize that he was arousing a sleeping lion. Before the close of the nineteenth century the lion was fully awake, as was shown by the war with China which resulted in Japanese domination of Korea. Having taken on many of the elements of western civilization, Japan now felt the irresistible urge to expansion which characterized the western states. But the western powers were already poaching on the fields which lay next to her and seemed most inviting, the continent of Asia. The occupation of the Philippines by the United States (1899) did not seriously embarrass Japan. She had more inviting fields in view, though the Philippines might be used as a base to cause her trouble in these better fields. The desperate effort of the Boxers to drive the vultures away (1900) only resulted in fastening their talons the more firmly. Taking advantage of the English fear of Russia, Japan secured an alliance with Great Britain (1902) by which each of the parties agreed to come to the help of the other when certain interests were jeopardized. Then followed the war with Russia (1905) in which Japan succeeded in checking the most serious menace to her ambitions. A part of Sakhalin was occupied, the Russian interests in Manchuria

were taken over and Corea was absorbed. Then came the Great War, apparently a godsend to Japanese ambitions. China's proposal to neutralize the foreign spheres of influence was thrust aside and Japan seized Kiao Chau from Germany, ostensibly in carrying out the treaty of alliance with Great Britain. She then pounced down upon China (1915) with her notorious twenty-one demands, for a strangle-hold on that helpless country. Early in 1917 she forced on the Allies the secret treaty by which they agreed to the annexation of Germany's islands in the Pacific and of Germany's rights in Shantung. Then, shameful to relate, in November of that year, she inveigled Secretary Lansing into acknowledging that her propinquity to China gave her certain "special interests," no doubt having reminded him that the United States claimed "special interests" in the rest of America. Her cup seemed to be full and her Asiatic Monroe Doctrine secure.

But not long after this another person walks on the stage and at Paris President Wilson objects to the secret treaties. For this there were two reasons: In the first place, President Wilson was animated by a sincere desire to release the weaker peoples of the world from the strangle-hold of the more powerful. In the second place, if the old order were to continue, Japan's hold on the German islands of the Pacific would enable her to threaten American communication with the Philippines and with China. Repulsed in his major offensive at Paris President Wilson turned to the scheme of mandates by which the colonies were to be administered as a "sacred trust to civilization." To deprive the islands of military value they were not to be fortified and the natives were not

to be trained as soldiers, yet they were to be "administered under the laws of the mandatory as integral portions of its territory." Except for these restrictions Japan was free to govern the former German islands as she pleased, even to the exclusion of foreigners excepting missionaries who were nationals of a state in the League.

Japan had hardly been assigned the mandate in the Pacific when she began to manifest a disposition to close the "open door" which even Germany had maintained prior to 1914. For this she is hardly to be blamed as she needed, or thought she needed, an outlet for her population and Australia, New Zealand, and the United States were closed to her. She might even close the doors to American missionaries, as the United States had not entered the League.

The first round in the controversy between the United States and Japan came over the island of Yap and the former German cables. The United States had never had any cable communications of her own with China, but had used the German cable. When Yap was turned over to Japan as a mandated island she virtually closed the cables to America. President Wilson had made specific reservations concerning this island at Paris, and yet, in spite of this the League Council proceeded to confirm the award of Yap to Japan (December, 1920). The result was a vigorous note of protest from Secretary Colby to the great powers represented in the Council and this was followed by one from Secretary Hughes, denying the right of the Council to make any such award without consulting the United States, even if she was not in the League.

Another situation in the Far East which was now



distasteful to England and the United States was the continuance of the Anglo-Japanese alliance. From all appearance, the next conflict in that region was to be between the United States and Japan and England did not want to fight the United States in defense of Japan. The English solution was to include the United States in the alliance. But this was not only contrary to our policy of no entangling alliances; it would be a recognition of Japan's "special interests" on the continent, the very thing we were unwilling to do, in spite of the Lansing-Ishii agreement.

Such was the general situation when the Conference met at Washington (November 12, 1921) with delegates present from the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal. The President had thought of a conference of all the nations, but he and Secretary Hughes decided that quicker and better results could be secured from a small body, consequently the invitation was limited to the five Allied and Associated Powers, together with four nations very much concerned in problems of the Pacific and Far East.

After a brief speech of welcome by President Harding, Secretary Hughes was elected president of the conference. Instead of making a formal address of thanks for the honor and then adjourning the open session and waiting for somebody to propose something in executive session, Mr. Hughes made some very concrete and drastic proposals for reduction in naval armaments by scrapping some of the capital ships and limiting others in a very definite way.

The conference was startled, dazed, the world electrified. In the words of Mr. Balfour, Mr. Hughes' statement of America's position on armaments

"amounted to a new light in the world."<sup>2a</sup> After all, America had not utterly abandoned the position of leadership and Mr. Hughes, who had not altogether condemned the League of Nations, was bringing her back to a place of moral power.

The proceedings of the conference do not concern us here, but some of the results are important to this study. Upon its adjournment (February 6, 1922) it turned over to President Harding five treaties, together with a supplemental reservation and an agreement which he laid before the Senate (February 10) for ratification. The first was the Five Power (United States, British Empire, France, Italy, Japan) naval treaty in which the signatory powers agreed to limit their naval armaments according to the program laid down in the treaty; also, the United States, Great Britain, and Japan agreed to maintain the *status quo* on fortifications on their island possessions in the Pacific. The treaty further provided that conferences might be called to readjust the ratio of naval armaments to meet changed conditions, whether due to war or not. Any nation would be allowed to withdraw on two years' notice.

In the second the same five powers agreed to put a ban on poison gas and to limit the use of submarines.

In the third, or Four Power Treaty, the United States, France, Great Britain, and Japan, signed a treaty for the "Preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions" in the Pacific. It provided that if a controversy should develop out of any Pacific question which was not settled by diplomacy, then they should invite the other

<sup>2a</sup> N.Y. *Times*, Feb. 5, 1922, 1.

parties to a conference to which the whole subject matter should be referred "for consideration and adjustment." Also, if their rights should be threatened by "the aggressive action of any other power," the contracting parties would "communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation." This treaty was to last ten years and after that to continue in force subject to the right of any of the parties to terminate it on twelve months' notice. The treaty of alliance between England and Japan was to terminate with the ratification of this one.<sup>3</sup>

To this a separate reservation, signed by all of the delegates, but not in the form of a treaty, was attached. In this the United States agreed that it should apply to the mandated islands, but should not be construed as giving her assent to the mandates or preclude any agreements between her and the mandatory powers. Also that the controversies referred to in Article I should not embrace such questions as are recognized in international law as belonging exclusively to domestic jurisdiction.

Another modification, in the form of a treaty, was drawn up later in consequence of a debate in the Senate, which will be noticed further on. This named the island possessions guaranteed so as to exclude the homeland of Japan from the guarantee.

All nine of the powers represented signed a treaty for the open door policy in China. In this they agreed to use their influence for the purpose of effectually establishing and maintaining the principle of equal

<sup>3</sup> *Times Current Hist. Mag.*, January, 1922, 545.

opportunity for the commerce and industry of all nations and not to support their nationals in seeking concessions and monopolies inconsistent with this policy. The signatory powers further agreed that if any one of them at any time thought the stipulations of the treaty involved in any particular issue, then there should be "full and frank communication between the contracting powers concerned."

All nine of the powers also signed a treaty regulating the tariff of China very much as Congress regulates that of the United States, only not as high, and providing for the establishment of a Board of Reference in China to investigate and report on any questions arising under the treaty.

A few other things worth while were accomplished by the conference, some of which were embodied in treaties other than those already mentioned, some of which were not. While the conference was in session the dispute between the United States and Japan over the island of Yap was settled between the two powers by a treaty based on the contentions of President Wilson that our failure to enter the League of Nations did not debar us from the rights enjoyed there by members of the League. Another matter was the issue between China and Japan over the possession of Shantung. The American protest against the occupation of Shantung by Japan had begun with the treaty of Versailles, but had availed little beyond vague promises of withdrawal until the Washington Conference met. This was not a question for the conference to discuss, but when the Japanese and Chinese delegates were brought face to face on American soil the American influence became more powerful if more subtle than it had been through diplomatic notes and

Japan signed a treaty with China agreeing to withdraw.

In addition to the foregoing treaties, which were only by-products of the conference, the conference itself adopted a number of resolutions outlining governmental policies. Among these was one torn from the Covenant of the League of Nations providing that the Powers should file with the Secretariat General of the Conference a list of all their treaties with China or with any other power relating to China; also, the substance of the contracts which their nationals had with China or any of its local authorities.

The Conference at Washington was as open to the public as that at Paris, if not more so, and its conclusions were given to the public from time to time. As in the case of the Conference at Paris the Senate did not wait for its adjournment to begin discussion of its work. Practically all criticism was leveled at the Four Power Treaty for the protection of insular possessions in the Pacific.

The leading "bitter-enders" of the League fight, Senators Borah, Johnson, and Reed, directed the fight against the Four Power Treaty, in which they were ably seconded by Senators La Follette and Robinson. Indeed, the latter, an ardent friend of the League, led the Democratic opposition to the new treaty.

The day before the treaty was signed by the delegates the attack was opened in the Senate by Senator Borah, who declared that while meeting, as provided for in Article II, to "discuss fully and frankly" the "most efficient measures to be taken" in case of "aggressive action," the powers could commit the United States to war just as much as the League of Nations could under Article X, and that the moral



obligation, acknowledged by President Wilson under Article X, would be even more binding than the legal obligation. In his opinion we were entering the League of Nations by the back door. Senator La Follette followed with a declaration that Article II was a half brother to Article X and Senator Reed denounced the whole treaty as a "gold brick."<sup>4</sup>

In the course of the debate attention was called to the phrase "insular possessions and insular dominions" as giving a guarantee to the homeland of Japan while no such guarantee applied to the other powers. Such a guarantee to France had been turned down. President Harding now issued a statement that the guarantee did not apply to the homeland of Japan, but the same day the American delegates informed him that it did and he accepted this interpretation. The next day the irreconcilables, led by Senator Reed, renewed the attack with redoubled fury. The final result was that the delegates signed a separate treaty naming the islands to which the guarantee applied and specifically stating that it did not apply to the homeland of Japan.

February 10 President Harding appeared in person to lay the treaties before the Senate. In the course of his address President Harding said:

I am not unmindful, nor was the conference, of the sentiment in this chamber against Old World entanglements. Those who made the treaties have left no doubt about their true import. Every expression in the conference has emphasized the purpose to be served and the obligations assumed. Therefore, I can bring you every assurance that nothing in any of these treaties commits the United States,

<sup>4</sup> *Cong. Rec.*, Dec. 13, 1921. 410 f. The references here given are to the daily edition and the pages do not correspond to those in the bound volume.

or any other power, to any kind of an alliance, entanglement, or involvement. (Applause.) It does not require us or any power to surrender a worth-while tradition. It has been said, if this be true, these are mere meaningless treaties, and therefore valueless. Let us accept no such doctrine of despair as that. If nations may not establish by mutual understanding the rules and principles which are to govern their relationship; if a sovereign and solemn plight of faith by leading nations of the earth is valueless; if nations may not trust one another, then, indeed, there is little on which to hang our faith in advancing civilization or the furtherance of peace. Either we must live and aspire and achieve under a free and common understanding among peoples, with mutual trust, respect, and forbearance, and exercising full sovereignty, or else brutal, armed force will dominate, and the sorrows and burdens of war in this decade will be turned to the chaos and hopelessness of the next. We can no more do without international negotiations and agreements in these modern days than we could maintain orderly neighborliness at home without the prescribed rules of conduct which are more the guaranties of freedom than the restraint thereof.

The world has been hungering for a better relationship for centuries since it has attained its larger consciousness. The conception of the League of Nations was a response to a manifest world hunger. Whatever its fate, whether it achieves the great things hoped for, or comes to supersedure, or to failure, the American unwillingness to be a part of it has been expressed. That unwillingness has been kept in mind, and the treaties submitted to-day have no semblance or relationship save as the wish to promote peace has been the common inspiration.<sup>5</sup>

Without waiting for the committee on foreign relations to report on the treaties an attack was launched on the Four Power Treaty as of uncertain origin. In studying the records and minutes of the conference as submitted by President Harding, Senator Hitchcock

<sup>5</sup> *Cong. Rec.*, Feb. 10, 1922, 2681.

was amazed to find practically nothing in them in regard to the Four Power Treaty. Surely there must have been discussions and drafts. Did the absence of such things indicate that there was something dark, mysterious, sinister, about the treaty? The Senate now called upon President Harding to supply the missing documents. In reply the President said that most of the negotiations had been carried on through conversations and discussions quite outside the conference and that no record had been kept of these. He stated emphatically that there were "no concealed understandings, and no secret exchanges of notes," and "no commitments whatever except as appear in the Four Power Treaty itself and the supplementary agreement."<sup>6</sup>

In the committee on foreign relations Senator Brandegee, who had fought the League of Nations very bitterly, offered a reservation which raised a storm in the committee and caused some consternation at the White House, but finally secured its adoption in a modified form. After two full weeks of discussion the committee reported the treaties for ratification with the Brandegee reservation to the Four Power Treaty. It read:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.<sup>7</sup>

But neither the President's assurance nor this reservation satisfied the opposition. Senator Borah wanted to know whether the treaty would abrogate the Lansing-Ishii agreement and the Senate asked Presi-

<sup>6</sup> *Cong. Rec.*, Feb. 16, 1922, 2939; Feb. 20, 3092.

<sup>7</sup> *Ibid.*, Feb. 27, 3446.

dent Harding for the information. In reply the President assured the Senate that the Lansing-Ishii agreement was not a treaty, but only a declaration of executive policy, and that it could not have any effect inconsistent with a treaty.<sup>8</sup>

The chief attack was still leveled at Article II, the opponents holding that it was an alliance and would commit us to war, the supporters denying both. Senator Hitchcock, who had led the fight for the League of Nations, accepted the Four Power Treaty, as did Senator Williams. The latter declared that, had the League been proposed and sponsored by a Republican President, it would have been supported by the Republican Senators and that the Four Power Treaty would have been supported by the Democrats, had it been proposed by President Wilson. He then appealed to senators to lay aside their partisanship at the shoreline. But many Democrats, led by Senator Robinson, opposed the treaty to the last. Senator Robinson tried to secure an amendment and a reservation to the effect that the high contracting parties agreed not to take any aggressive action and to refer all disputes not settled by diplomacy to a conference of all the nations. In common with Senators Borah, Reed, and others he held that it was an alliance and demanded to know who wrote it, implying that our delegates had been hoodwinked or overreached by the others. In reply to this charge Secretary Hughes admitted that he was mainly responsible for the draft of the treaty and closed by saying that failure to adopt it would be "nothing short of a national calamity."<sup>9</sup> Senator

<sup>8</sup> *Ibid.*, March 8, 3983.

<sup>9</sup> Compare this with President Wilson's statement that rejection of the League would "break the heart of the world."

Robinson persisted, but his amendment was defeated 30 to 55.<sup>10</sup>

By this time public opinion had begun to make itself felt. The country had received the treaty for the reduction of naval armaments with acclaim. On the others there was not much enthusiasm, but the people did not care to see the naval treaty endangered by rejection of the others and began to call for ratification, numerous organizations and many noted individuals calling upon the Senate to act favorably.

But Senator Robinson was not yet ready to give up and suggested that Secretary Hughes be brought before the committee on foreign relations to answer questions about secret agreements between the United States and Great Britain, or the United States and Japan, or between Japan and France, or between Japan and Great Britain. No such request was made, but Secretary Hughes at once wrote a sharp letter to Senator Lodge stating that we had no secret agreement with Great Britain on any matter and expressing the hope that this would be the end of "aspersions" upon the "veracity and honor" of the American delegates. However, in justice to Senator Robinson, it must be added that his suggestion was prompted by a pamphlet issued to report a debate participated in by several prominent men in New York and that in this pamphlet the statement was made by one of the debaters, Mr. Paul D. Cravath, that he had been told by the American delegates that an understanding did exist. His later denial did not alter the pamphlet.<sup>11</sup>

When the day for the final vote arrived (March 24)

<sup>10</sup> *Cong. Rec.*, March 11, 4168; March 14, 4312.

<sup>11</sup> *Ibid.*, March 21, 4631, 4634.



the opponents used every possible device to secure amendments or reservations. At least twenty-five different motions were made for changes, but often the motions differed only in form, not in substance. For example, Senator Robinson secured two different votes and Senator La Follette one on a motion to provide against secret treaties. The result was defeat 32 to 60, 4 not voting. Three motions were made (Robinson, Walsh, Pittman) for the calling in of other nations than the signatory powers in cases of disputes. The highest vote on this was 36 to 55, 5 not voting. Senator Reed made three different motions to alter the terms of withdrawal, all to no purpose. Senator Pittman declared that there was ground for difference of opinion as to what questions were domestic according to the principles of international law and moved to add that the United States should decide for herself what questions were of this character, using the exact language used by Senator Lodge in his reservation on the League of Nations. The Senate had adopted this reservation in 1920, but it was now rejected 28 to 65, 3 not voting.<sup>12</sup> Senator Johnson moved for a reservation providing that the assent of Congress must be secured for action on any particular case before the treaty should be binding on the United States. Although the opposition had repeatedly insisted on such a reservation to the League of Nations, it was now rejected by substantially the same persons, 28 to 64, 4 not voting. The vote was now taken on the Brandegee reservation as reported by the committee on foreign relations and this was adopted 91 to 2, 3 not voting. The vote on the ratification of the treaty

<sup>12</sup> *Ibid.*, March 24, 4730, 4815-6; March 25, 4966, 4970; March 30, 5211, 5215.

followed and resulted in adoption, 67 to 27, 2 not voting.<sup>13</sup>

Senator Lodge at once brought up the supplementary treaty defining the application of the term "insular possessions and insular dominions" in relation to Japan and asked for a vote on ratification, but Senator Robinson announced that at least one amendment would be offered and the matter passed over until next day. Senator Robinson then moved to amend by striking out "Karafuto (or the southern part of the island of Sakhalin)." <sup>14</sup>

At this point Senator Pittman called attention to the fact that the reservation signed by the delegates to the Conference exempting domestic questions from consideration at any conference of the powers had been omitted from the Four Power Treaty as ratified. This precipitated a lengthy debate in which Senator Lodge and other friends of the treaty took the position that this was not a treaty, but only an interpretation of the treaty agreed upon by those who signed it, consequently did not need ratification. However, when Senator Hitchcock pointed out that if the Senate left it out of the treaty and refused to put it in when asked to do so, then Japan could say that immigration was a subject of international controversy and we could not say nay. Senator Lodge offered an amendment to the resolution ratifying the supplementary treaty (exempting the homeland of Japan from the guarantee), making the reservation a part of the ratification.

On the question of Sakhalin Senator Stanley pointed out that this, a part of which was owned and all of

<sup>13</sup> *Cong. Rec.*, March 25, 4904.

<sup>14</sup> *Ibid.*, 4965.

which was now occupied by Japan, was to Russia-Japan what Heligoland was to Germany-Great Britain. Instead of being only one of the

Sprinkled isles  
Lily on lily that o'erlace the sea—

as Senator Lodge, of "poetic erudition," had described it in his "beautiful talk about the harmless and lovely little islands," it was a veritable "powder house." In support of his motion to exempt the island Senator Robinson pointed out that it was a place of strategic importance to Japan in her move on the continent where she, a yellow race, was already dominating Caucasians. If Russia should ever attempt to come back, a conflict would arise in Sakhalin and we would be under obligations to defend Japan here against a white race.

Senator Underwood, who had taken no prominent part in any of the debates, now rose to say that he had signed the treaty, not primarily to protect Japan, but to remove the Philippines from danger and secure protection for them. The protection of Japan in Sakhalin, to which she had a valid title of twenty years' standing, was simply a part of the price paid for the security of the Philippines. The vote upon the Robinson resolution was 20 to 53, 23 not voting.<sup>15</sup>

Senator Pittman now moved to amend the Lodge amendment to the resolution of ratification on the supplementary treaty by incorporating Senator Lodge's Reservation No. 4 on the League of Nations, reserving to the United States the interpretation of domestic questions, but this was voted down, 21 to 49,

<sup>15</sup> *Ibid.*, March 25.

26 not voting. Senator Lodge voted against the Pittman amendment. The significant thing about the vote is that the vote against the motion was the smallest cast against any of the amendments and reservations and that the number not voting was the largest.<sup>16</sup>

With a persistency worthy of a better cause Senator Robinson made one more effort to incorporate his amendment providing that the Powers should agree to take no aggressive action and to call other powers into conference, but this was defeated without division. Senator Lodge's amendment to the resolution of ratification of the supplementary treaty signed by the delegates was then adopted without a division. The resolution of ratification as amended was then adopted 73 to 0, 23 not voting. Among those not voting were several of the irreconcilables, Senators Borah, Brandegee (who had voted for the Four Power Treaty) and Reed.

The other treaties were disposed of in short order, the naval treaty being ratified (March 29) 74 to 1, the submarine and poison gas treaty unanimously, the Nine Power Treaty on the open door policy in China (March 30) 66 to 0, 30 not voting, and the treaty affecting the Chinese tariff 58 to 1, 37 not voting.<sup>17</sup> The last named treaty would have been defeated, had those not voting cast their votes against it.

It would be difficult to improve on Senator Williams' statement concerning the partisan character of the debate on the treaties. With him the country regretted that senators could not lay aside partisanship at the water's edge. Now it breathed a sigh of relief that the turn back toward world leadership had

<sup>16</sup> *Cong. Rec.*, 5029, 5053.

<sup>17</sup> *Ibid.*, March 30, 5216, 5223.

not been entirely thwarted, though we had not yet entered so much as an "association of nations."

One significant thing about the debate is that while the opponents of the treaty were trying to make sure that the United States was in no way committed to the aid of Japan when threatened by "the aggressive action of any other power," they utterly failed to see that the treaty ties our hands against any joint intervention with Great Britain in the East. If China or Siberia should attack Japan, then the United States must "communicate . . . fully and frankly" with the other contracting powers "concerning the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation," but if Japan should attack China or Siberia, the United States and Great Britain may not intervene jointly.

This looks as if we have come perilously near to a recognition of Japan's Asiatic Monroe Doctrine, however much we have striven to avoid it. The United States may, indeed, protest alone, but what will Japan care for our protests when the Philippines and Guam are not fortified? No wonder Japan was willing to drop the Anglo-Japanese alliance in return for a pledge of non-intervention by the only powers she had any occasion to fear. The Japanese Monroe Doctrine is confessedly imperialistic; ours is professedly protective. If the militaristic party is to continue to hold the upper hand in Japan, we shall have ample cause to fear for the fate of Asia, but the light of a better day seems to be breaking in Japan. The military party is not altogether secure in its hold and, contrary to expectations, Japan has already evacuated Shantung and Siberia. Some doubts having arisen whether the Lansing-Ishii Agreement had been canceled in the Treaty



on the Limitation of Armaments, the matter was finally settled in the affirmative by an exchange of notes between Secretary Hughes and Ambassador Hanihara. The Root-Takahara understanding of November 30, 1908, for the maintenance of the status quo in the Pacific and the integrity and independence of China and asserting the equal rights of all powers in China is understood to be still in effect.<sup>18</sup> International public opinion is still a vital force. After all, the Washington Conference may prove to have been more than worth while.

The effect of the debate and the reservations on the Four Power Treaty in France should have surprised no one. The Paris papers declared that the action of the Senate had set a precedent for France to amend the Naval Treaty so as to increase her capital tonnage, for which she had fought in the conference. Also, it gave her an opportunity to offset the Root resolutions, which forbid the attack of merchant vessels by submarines while allowing merchant vessels to carry cannon to sink submarines, by excluding from the definition of merchant vessels any armed vessel or any ship giving military aid of any sort to the enemy. Editorially the *Paris Journal* said:

Strictly speaking it might be said that this reservation is not inconsistent with the text of the treaty. In effect the agreement provides simply that in case of danger of conflict there shall be an exchange of views.

However, morally, the Pacific Treaty has been vitiated at Washington, just as was the Treaty of Versailles. The Pacific Treaty was not concluded for truisms, but to substitute for the Anglo-Japanese alliance mutual assurances for the nations bordering on the Pacific. Now America says, as she did in the Versailles Treaty, she wants assurances

<sup>18</sup> N.Y. *Times*, April 16, 1923, 3:1.

all right, but not the risks. America follows always the same tactics.

A writer in the *Action Française* declared that the American Senate, "according to its habit," had "emptied the treaty of its contents."<sup>19</sup>

If Senator Williams reflected a large body of opinion in and out of Congress on the partisan character of the debate and action of the Senate—and no doubt he did—it is not surprising that the same view was reflected abroad. A Dutch editor declared that political parties in America were not yet above drawing party lines on questions of foreign policy. The reservations he considered of little practical significance and he thought that they had been added as camouflage to catch votes. The Dutch newspapers as a whole were much relieved by America's ratification. Many of them commented on her reluctance to become involved in European affairs. The editor of one (*Vaderland*) said that America did not feel at ease in world politics and would like to return to the "good old time of the Monroe Doctrine" and remain outside the distress involved in the political history of Europe. "But the nations," said he, "must move with the times, especially such a big nation, and Monroe is behind the times. America has become too big to stand aside."<sup>20</sup>

Has she? Will she?

The resolutions of the conference were to become effective when ratified in plenary session and the nations at once began the work of scrapping their battle ships, an action on the part of our executive which appears about as close to the line of unconstitutionality

<sup>19</sup> N.Y. *Times*, March 27, 1922, p. 17.

<sup>20</sup> *Ibid.*, p. 3.

as the General Act of Madrid.<sup>21</sup> All the other governments approved in due time except for France, but she continually put the matter off. In this country was found the most marked dissatisfaction with the results of the conference and this undoubtedly was partly due to an unwillingness to confess that she was a second, not to say third, rate naval power. Meantime she was striving with feverish haste to secure ascendancy in the air—the conference had reached no agreement on air and radio activity—as an offset to her inferiority at sea. By the middle of 1923 this superiority was generally recognized. Still ratification of the Washington treaties was put off. Some thought that the delay was due to the hope that she might be able to use this to strengthen her position on the Ruhr and reparations; also, that she might be able to connect it with the question of the allied debts. Then suddenly came ratification of the Treaty Limiting Armaments and the Four Power Pacific Treaty, but the others were not included.<sup>22</sup> While each treaty was a separate entity the Chinese treaties, affecting customs and political conditions, were considered closely related to peace as provided for in the Four Power Treaty. Naturally the failure to ratify these treaties, as also the one on poison gas and submarines, was a great disappointment. However, they failed simply by non-action, not by rejection, and ratification may come yet. Fortunately ratification of the first two came before the death of President Harding and he had the satisfaction of seeing the final seal put upon this much of the work of the Washington Conference, which he probably considered the most important achievement of his administration.

<sup>21</sup> *Supra*, 147.

<sup>22</sup> *Lit. Dig.*, July 28, 1923, 14.

## CHAPTER XXII

### THE LAUSANNE CONFERENCE

The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantee.—President Wilson, Point 12.

The policy of abstention from European affairs was put to another serious test in 1920-22 in connection with the Turkish problem.

Beginning with the treaty of Kuchuk Kainarji with Russia in 1774 Turkey has made numerous treaties with European powers in which she agreed to respect the rights of Christian minorities and to allow a certain amount of supervision by the powers to secure this end, but she has blithely broken every one of the treaties, generally when the jealousies of the powers were strong enough to prevent joint or individual action for the protection of these minorities.

In the course of the Great War thousands of Armenians, some say as many as 800,000, were slaughtered by the Turks. A large number, possibly 200,000, served in armies against Turkey. Naturally the animosity of the Turks for these people was much greater than ever before. When the Turks gave up in

1918 the Allies felt under peculiar obligations to take care of these oppressed nationalities. As America had not been at war with Turkey they did not invite her to the conference on the Turkish peace and making arrangements for the protection of Armenia. In the course of the discussion France proposed to take the mandate over Armenia and the Armenians probably would have accepted this arrangement, but President Wilson intimated that America might take such a mandate and the Turkish peace was dropped to await definite assurance from America. In the summer of 1919 Great Britain announced her purpose to withdraw her troops from Armenia. Soon after this Messrs. Gerard, Root, Hughes, Lodge, Eliot, and others joined in a request to the President to send troops to Armenia to replace the British troops and help Armenia establish a republic, though some of them opposed a mandate. But such a move required the approval of Congress and while waiting for this President Wilson approved of France's proposal to send in 12,000 men. Then the Senate took the matter up and France held back to await results.

As far back as May 23, 1919, Senator Lodge had offered a resolution recognizing the independence of Armenia and other states formerly a part of Turkey. Senator Williams now (September 8) offered a resolution authorizing the President to use force in defense of Armenia against the Turks, but instead of giving this matter, which involved the lives of thousands of Christians, serious consideration Senators Borah and Brandegee waxed sarcastic and assured the Senate that the British would look after the Armenians, if the latter had any oil.<sup>1</sup> However, a subcommittee held hear-

<sup>1</sup>Sixty-sixth Cong., 1st sess., *Cong. Rec.*, 58: 156, 7052.



ings on the subject and finally, after much prodding, Senator Harding, the chairman, assured Mr. Gerard that, realizing the desperate condition of the Armenians, he would report favorably on the matter at once,<sup>2</sup> but more delays followed until May 24, 1920, when the committee reported a series of six resolutions, expressing its sympathy for the Armenians, congratulating them on the recognition of the independence of the Armenian Republic and requesting the President to send a warship and a force of marines to Batum to protect the lives and property of citizens of the United States.<sup>3</sup> Nothing was said about protecting the Armenians.

President Wilson received this report with pleasure and probably read into it far more than the Senate ever intended. He told Congress that he considered it providential that at the very time the Senate passed these resolutions the conference sitting at San Remo had resolved to address a definite appeal to the United States to accept a mandate for Armenia. They were doing this, according to their own statement, not because they wanted to shirk responsibilities, but because it would "strain their capacities to the utmost" to look after the other dismembered parts of Turkey and because they believed that a power "emancipated from the prepossessions of the Old World" would inspire greater confidence and afford more security than would another selection of any European power. He assured the Senate that "many peoples struggling toward independence and peaceful life" were looking toward the United States with extraordinary trust and confidence and that he believed that it "would do nothing less

<sup>2</sup> James W. Gerard in *N. Y. Times*, Nov. 14, 1922, 18:7-8.

<sup>3</sup> "Messages and Papers," Wilson, 1917-1921, 8853.

than arrest the hopeful processes of civilization, if we were to refuse the request to become the helpful friend and adviser" of such people. It was, indeed, a critical choice he was urging upon Congress, but he made the suggestion in the confidence that he was speaking in the spirit and in accordance with the wishes of the greatest of Christian peoples.<sup>4</sup>

The President made no reference to the King-Crane Report, which favored a mandate—few people knew of the existence of such a report for it was never published until December, 1922—or the favorable attitude of Rear Admiral Bristol, High Commissioner at Constantinople, or that of Mr. Henry Morgenthau, sometime ambassador at Constantinople, or to the Harbord Report on Conditions in the Near East. But the last named and the report of Brigadier General Moseley on "Mandatory over Armenia" were in the hands of the Senate.<sup>5</sup> In this brief treatment it is impossible to do justice to these reports. The Harbord Report, which was presented by the American Military Commission to Armenia composed of several military officers and four civilians of experience in Europe and the Near East, declared that, when left without official instigation, the Turks and the Armenians had lived together in peace; that the massacres of 1915 were due to the Committee of Union and Progress and that the same people were now striving to reorganize Turkey; that the Armenian, who had rendered valiant service in the armies of the Allies and of the United States, was now "unarmed in a land where every man but himself carries a rifle." Distrust had become deep-seated. The Report then describes the political disruption due to

<sup>4</sup> "Messages and Papers," Wilson, 1917-1921, 8853-5.

<sup>5</sup> Sixty-sixth Cong., 2d sess., Sen. Doc., Vol. 15, Nos. 266 and 281.

the war and says that the more intelligent people realize that outside control is inevitable and even necessary to their relations with Christian countries. In the judgment of the mission a single mandate over the whole Turkish Empire would be better both for economic and political reasons. They had talked with prominent Turkish leaders and found that "Turkey would not object to a single disinterested power taking a mandate for her territory as outlined in the armistice with the Allies." The King-Crane Report found a strong desire to be left to "self-determination," but a willingness to submit to the inevitable and a decided preference for the United States as mandatory. The Harbord Mission had held two conferences with the leaders of the Nationalist Party, as the men of the Committee of Union and Progress now called themselves, who were trying to overthrow the Ferid Pasha ministry on the ground that it was under the influence of a great power which was seeking the mandate, and quoted the chief of these, Mustapha Kemal Pasha, as follows:

The Nationalist Party recognizes the necessity of the aid of an impartial foreign country. It is our aim to secure the development of Turkey as she stood at the armistice. We have no expansionist plans, but it is our conviction that Turkey can be made a rich and prosperous country if she can get good government. Our government has become weakened through foreign interference and intrigues. After all our experience we are sure that America is the only country that can help us. We guarantee no new Turkish violence against the Armenians will take place.<sup>6</sup>

The mission was also satisfied that a plebiscite, fairly taken, would, in all probability, result in a request for

<sup>6</sup> *Ibid.*, Sen. Doc. No 266, 17.

an American mandate except in Russian Armenia, where the vote probably would be for a "mandate to Russia if that power were reconstituted," but they warned against a separate Armenia carved out of Turkish territory, "no matter what the aspirations of the Armenians."

The Report closed with a tabulation of "Reasons for" and "Reasons against" the mandate for America in parallel columns, with fourteen in the former and thirteen in the latter. The thirteenth reason against was a tabulation of the probable cost, which was estimated at \$756,014,000 for five years. Set over against this was the following under "Reasons for":

"And the Lord said unto Cain, where is Abel thy brother? And he said: 'I know not; am I my brother's keeper?' "

Better millions for a mandate than billions for future wars.

Such was the information before the Senate. The President's request for a mandate received respectful and, so far as the time at the Senate's disposal allowed, careful attention. A few days after the request was made Senator Lodge, for the committee on foreign relations, reported a resolution to the effect that Congress "respectfully declines" to grant the request. The chief reason offered by Senator Lodge, who did not speak at as great length as did some others, was the matter of expense necessary to maintain an army of 50,000 to 60,000 in Armenia for an indefinite period.<sup>7</sup> Senator Brandegee found the term "mandate" vague and said that we could not tell what would be required of us. In particular he objected to assuming the mandate for altruistic motives while France, Great Britain, and

<sup>7</sup> Sixty-sixth Cong., 2d sess., *Cong. Rec.*, 59:7876 (final edition).

Italy were getting mandates in other parts of the old Turkish Empire for gain.<sup>8</sup> Instead of taking a mandate Senator Lodge thought it better to approve of Mr. Gerard's proposition that the American people should raise \$75,000,000 by private subscription, one half of which should be used to supply the Armenians with farm implements, the rest turned over to them to constitute the basis of a monetary system, and deliver to Armenia equipment for an army of 40,000 to 50,000 men. This should be followed by a paraphrase of Webster's note to Great Britain (1843) saying that this government was prepared at all times to use its good offices to prevent encroachments on Armenia and would be "very unwilling to see it despoiled of any of its territory rightfully acquired or improperly restrained in the exercise of its necessary rights and powers."<sup>9</sup>

Senator Brandegee moved to amend the resolution so as to make it read "grants" the request. The vote on this was 12 to 62, 22 not voting. Senator King then sought to amend so as to relieve the term "mandate" of the vagueness of which Senator Brandegee complained by giving the President authority to appoint such agencies as he saw fit to render administrative advice and assistance, provided that such assistance should not include military assistance or the use of the army and navy to defend Armenia without further act of Congress. The vote on this was 28 to 46, 22 not voting. The vote was then taken on the original resolution to decline the request and this was carried, 52 to 23, 21 not voting.<sup>10</sup> The "leap in the dark" was not to be taken.

<sup>8</sup> *Ibid.*, 8056.

<sup>9</sup> *Ibid.*, 7876.

<sup>10</sup> *Ibid.*, 8073.



Convinced at last that America would take no part in the Turkish settlement the Allies now attempted, at a late day, to impose their own terms on the former enemy. In a treaty signed at Sèvres (August 10, 1920) they dismembered Turkey, possibly with no great injustice to the Turks, all things considered, but certainly with an eye to the main chance. They did this by stripping off a number of states over which they were to have mandates and creating a neutral zone around the Straits, leaving Constantinople as little more than a religious capital. They also provided certain guarantees to religious minorities and declared that the Armenians should have a separate state and asked President Wilson to determine its boundaries. This he undertook to do, although the Harbord Mission had warned against such a state carved out of Turkish territory.

But the delay of a year and a half up to the signing of the treaty had enabled the Nationalists, led by Mustapha Kemal, to reorganize their army and set up a government in Angora which refused to bow to the Sultan. Here they proclaimed the "Nationalist Pact," a sort of "Declaration of Independence," in which the Angora government declared that henceforth Turkey must be treated as an absolutely independent nation.<sup>11</sup> They now denounced the Treaty of Sèvres and sentenced to death the agents of the Sultan who had signed it. They were bold enough to do this because they sensed the lack of unity among the Allies—France and Italy were disgruntled because of the favors shown to Greece, which country they regarded as the cat's paw of Great Britain, and began to plot the undoing of the treaty when the Greeks entered

<sup>11</sup> For the Pact see *Editor and Publisher*, Dec. 2, 1922, 2.

Smyrna.<sup>12</sup> Emboldened by this situation the Turks resisted the advance of the Greeks, who sought to carry out the treaty to their advantage. They also renewed the slaughter of Christians.<sup>13</sup> In November, 1920, the Council, at the request of the League Assembly, asked the member governments and the United States whether they would be willing to mediate between the Armenians and the Turks. The communication to President Wilson assured him that acceptance did not involve any mandate.<sup>14</sup>

President Wilson manifested a willingness to mediate, but asked for the terms on which he was expected to act (November 20, 1920). A week later he asked Congress for authority to make a loan to Armenia in the hope that this would check the movement toward Sovietism,<sup>15</sup> but no such loan was ever authorized.

About the same time the belligerents came to terms and signed a treaty by which Armenia "shrank to the dimensions of the Russian Province of Armenia" with a Soviet government established at Erivan. But the rest of the Armenians and other Christians in Turkey were still without protection. Hitherto it had been assumed that Armenia would be a member of the League of Nations, but France now objected because of her Soviet government, and the matter was deferred with the pious hope that "the efforts of the President of the United States, energetically supported by the Governments of Spain and Brazil and by the Council

<sup>12</sup> Morgenthau, "All in a Life-time," Appendix. N.Y. *Times*, Nov. 12, 1922, IX, 1.

<sup>13</sup> Assuming that Kemal was a man of honor, which Mr. Morgenthau denies, he probably considered himself released from the promise of 1919 on this point by the course of subsequent events.

<sup>14</sup> League of Nations: *Official Journal*, I, Nov.-Dec., 1920, 90 f. "Messages and Papers," Wilson, 1917-1921, 8881.

<sup>15</sup> "Messages and Papers," Wilson, 1917-1921, 8886.

of the League," would "result in the preservation of the Armenian state, and in securing for Armenia a stable Government" such as would entitle her to admission.<sup>16</sup>

When it became known that Armenia was under the control of the Soviets the Council of the League appealed to President Wilson to instruct the American High Commissioner at Constantinople to meet with the Allied High Commissioners to work out a solution. In reply President Wilson plainly told the Allies that the trouble was due to the failure of "certain factions" to accept the treaty of Sèvres and of the Allies to enforce it, and took advantage of the opportunity to warn the Allies against their policy of encouraging the small nations on the border of Russia to attack that nation. What should be done was to guarantee the territory of Russia against attack and assure her that peace was to be had for the asking. If the principal powers representing the Council would only assure him of their moral and diplomatic support, then he would instruct his personal representative, Mr. Morgenthau, to proceed.<sup>17</sup> No such assurances were given and the Greeks were left free to wage their war of conquest against the Angora government of Turkey. Success crowned their first efforts and the Allies stood by to watch.

Things now drifted for a year and a half until the summer of 1922, when conditions became so bad in Turkey that the Allies asked the United States to join them in an investigation of alleged atrocities. To this Secretary Hughes consented only on condition that the investigations were to be impartial and were not to bind the United States to any action. However, before the investigations were ever started the Turks

<sup>16</sup> World Peace Foundation: *League of Nations*, IV, 160.

<sup>17</sup> "Messages and Papers," Wilson, 1917-23, 8910-1.

began to drive the Greeks back and in a short time Smyrna was in ashes. There can be no doubt that the Greeks had committed atrocities in their advance and retreat and it was only natural that the Turks should retaliate upon their inveterate foe. The world was horrified at the tragedy enacted in the city which had claimed Homer for her son, and it now seems certain that the Turks were responsible for the tragedy.

The apparent inactivity of the administration when Christians were being slaughtered brought out sharp criticisms from some who held that vigorous and effective protest should be lodged with the Turks (Kemalists) against such atrocities. Bishop James Cannon, Jr., cabled Secretary Hughes from Paris asking for vigorous protests and the sending of warships to the Near East and the Federal Council of the Churches of Christ in America appealed to 100,000 organizations to urge upon the State Department the moral responsibility of America to use her influence to secure protection to religious minorities and to insist that we join the Allies for their protection.<sup>18</sup>

To these and other appeals Secretary Hughes replied that Rear Admiral Bristol, the American High Commissioner at Constantinople, had, for a year and a half, repeatedly protested "in the most vigorous terms, both orally and in writing," to Mustapha Kemal Pasha and that after the Turks entered Smyrna he had been instructed to impress upon Kemal that any failure to give due protection to Christian minorities and to abstain from atrocities "would arouse the strongest feelings of condemnation in this country." In a speech delivered at Boston October 30 in behalf of the Republican ticket he said that the Christian world had been

<sup>18</sup> N. Y. *Times*, Oct. 16, 1922, 3:3; Nov. 19, 4:1; Nov. 24, 5:2.

"filled with horror at the atrocities committed in Anatolia" and referred to the "acts of barbarous cruelty of the Turks," but declared that he did not believe in a policy of bluff, that we should never threaten what we did not mean to carry out, and that he did not believe that the American people were ready to shoulder the burden of armed intervention.<sup>19</sup>

The protests of Admiral Bristol had produced no effect, but this speech did, for the Turks resented it and commented on it as a case of judgment without investigation.

A few days later, when the Kemalists had seized Constantinople and demanded that the Allies withdraw, leaving the Straits to them, Secretary Hughes announced that "all the resources of American diplomacy will be utilized by the United States to prevent the Turks from gaining permanent control of the Dardanelles," but that if there was any fighting to be done, the Allies would have to do it. He was opposed to empty threats and did not believe that the people would support a war.

The hands-off attitude of Secretary Hughes was defended by some journals and individuals who denounced others for wanting to restrain the bloody Turk. A letter signed by three university men asked what possible good could come of intervention. Were we ready to send an army to pull chestnuts out of the fire for selfish European nations and so start another war in the east? The tragedy of it was that the advocates of intervention were making it more difficult for Americans to continue to play the rôle of an angel of mercy since they were arousing the animosity of the Kemalists, who would refuse admission to the relief

<sup>19</sup> N. Y. *Times*, Oct. 31, 1922, 4:5-6; Nov. 8, 17:5.



workers. It is not time, said they, to talk about atrocities. The American people have a great task to do in binding up the wounds.<sup>20</sup>

They might have added that if we stopped the atrocities, then that would stop our good works, for there would be no more wounds to bind up! It seems that Ismet Pasha thought that the good works were likely to stop soon anyway, for he said that there were only 150,000 to 200,000 Armenians left in Anatolia and that they were expected to leave soon—by what road he did not say. The other Christians were also leaving as rapidly as they could, even from eastern Thrace.<sup>21</sup>

Briefly stated, the happenings in the Near East were as follows: Emboldened by the defeat of the Greeks the Kemalists now demanded the evacuation of the Neutral Zone by the Allied (British) troops. This the British stubbornly refused (September 21) in spite of French support of Kemal. Then the Allies asked the National Assembly if it would "be so good as to let them know" if it was disposed to send delegates with full powers to a conference at Venice or some other place to discuss terms of peace and indicated a number of concessions they were willing to make. These proposals were approved by Secretary Hughes. After several days of delay the National Assembly was "good enough" to say that it would send delegates to a conference and suggested the place where Smyrna had been. To arrange the terms of the armistice they met at Mudania (October 3-10). Here the Kemalists extorted other concessions, among them the

<sup>20</sup> N. Y. *Times*, Oct. 14, 1922, 12-7. Two days before this letter was published a meeting was held in New York to perfect plans to raise funds for Near East relief.

<sup>21</sup> *Ibid.*, Nov. 17, 3:1-2.

return of eastern Thrace. Naturally this led to another exodus of Christians and it is estimated that 350,000 men, women and children left the country. Lausanne was agreed upon as the meeting-place for the conference.<sup>22</sup>

The Allies now invited the United States to the Lausanne Conference, but the Turks objected because of the attitude already taken by Secretary Hughes on some of the problems at issue, especially the Straits. Considerable pressure was brought to bear at home on the State Department for full participation, but Secretary Hughes declined. In an aide-memoire to the Allies he stated that the United States was not a party to the war against Turkey nor to the armistice of 1918, and therefore did not wish to participate in the negotiations or assume any responsibility for political and territorial adjustments. She had no desire to seek for herself or her nationals any special privileges and thought that such ought not to be secured by others by secret treaties. But America was not unconcerned about her rights and, if agreeable, would send "observers." The matters of immediate concern were as follows: (1) Renewal of the capitulations; (2) protection of philanthropic, religious, and educational institutions; (3) freedom of economic opportunity, with special privileges to none; (4) indemnity for American losses; (5) suitable provision for the protection of minorities; (6) freedom of the Straits; (7) reasonable opportunity for archaeological research and study.<sup>23</sup>

The conference opened November 20, with Lord Curzon, Millerand, Mussolini, Ismet Pasha, and Ambassador Child as the chief representatives of England,

<sup>22</sup> *Times Current Hist.*, XVII, 520.

<sup>23</sup> *N.Y. Times*, Nov. 1, 1922, 6:2.

France, Italy, Turkey and the United States. The last was not a member, but only an unofficial observer. For weeks the Russians had sought in vain for admission, but the Allies declared that they would admit them only to discuss the Straits. Ismet Pasha now formally protested against the presence of American delegates on the ground that America had no right to participate in making a treaty between her and other powers as she had not been a party to the war. He also said that the United States was unfair in trying to gain all the benefits of the conference without assuming any responsibility. Upon the intervention of Lord Curzon the protest was withdrawn.

On the second day the Allies presented their program in fifteen points.<sup>24</sup> In four of these Mr. Child expressed a lively interest on the part of the United States, the freedom of the Straits, the renewals of the capitulations or their replacement by special laws, the protection of minorities, and the boundaries of Syria and Irak.

The last was bound up with the question of oil and concessions. The oil interests, chief among the American being the Standard Oil people and Admiral Chester, had been active for some time trying to get a share of the concessions. Of the latter something will be said later. What the Turks wanted was a change in the boundaries as stipulated in the treaty of Sèvres so as to give them the Mosul region, the center of oil activity. The Allies wanted to keep it, Mr. Child wanted the "open door." Rakovsky for Russia suggested that Russia, Turkey, and the United States work together for the open door, but at the same time he was trying to get the Angora government to deny American concessions. Turkey sought a separate treaty with the

<sup>24</sup> *Times Current History*, XVII, 532.

United States in the hope of blocking the Allied game.

Such was the alignment of the players. A few days after the conference opened Mr. Child addressed the members and said that the United States did not expect the Allies to carry out the San Remo agreement in which they had parceled out the oil rights to the exclusion of all outsiders.<sup>25</sup> It will be recalled that President Wilson had taken his stand on this principle at Paris and that later Secretary Colby had protested against the San Remo agreement, but with only a moderate degree of success. The Turks were now delighted with Mr. Child's speech, but the Allies criticized the open door policy as based on a fallacy. In the case of concessions, they said, it was impossible, for the door was closed as soon as the concession was granted. America was merely asking that the door be kept open until she could get in. A world-wide open door policy was impossible and was contrary to the Monroe Doctrine. The nation which was in a position to use or display force to obtain protection of its rights had a special privilege over the nations not in a position to do so, but it was against the policy of the United States to allow European nations to make any show of force in the Central and South American countries.<sup>26</sup> Curzon announced that England was ready to abandon the San Remo agreement and support the open door policy in Mosul. But when he claimed that concessions made by the Sultan were still valid, Ismet declared that such concessions had been annulled by the Angora government and that the Treaty of Sèvres was void.<sup>27</sup> Thereafter the debate turned mainly on the question of

<sup>25</sup> N. Y. *Times*, Nov. 26, 1922, 1:8; 2:1-2.

<sup>26</sup> *Ibid.*, Nov. 27, 1:1; 3-4. <sup>27</sup> *Times Current History*, XVII, 535.

boundary, in which Mr. Child did not take an active part. However, as American oil interests had already secured a share in other fields and Curzon now promised a share in this one, his moral support seems to have been given to the British. But it soon became clear that an impasse had been reached, for the utmost Curzon was willing to grant was a decision on the boundary by the Council of the League of Nations and to this Ismet would not agree.<sup>28</sup>

On the question of renewing the capitulations<sup>29</sup> as demanded by the Allies and the United States the Turks, supported by the Russians, remained firm in opposition. Mr. Child was willing to accept guarantees in place of the capitulations, depending on the honor of Turkey to carry them out, but Ismet declared that any special guarantee, to say nothing of the capitulations, was derogatory to the sovereignty of Turkey, which must be recognized as proclaimed in the Nationalist Pact. The Allies agreed that there had been abuses under the system and that these should be reformed, but insisted that they must have guarantees for their subjects doing business in Turkey. To this Ismet curtly replied that if Turkey was a fit place in which to live for business, then the business men must abide by its laws. The most he was willing to concede was the employment of foreign legal experts to redraft the code of Turkey. However, these foreigners must come from countries neutral during the Great War and not from The Hague Tribunal.<sup>30</sup>

<sup>28</sup> *Times Current History*, XVII, 920.

<sup>29</sup> Treaties by which foreigners resident in Turkey were given various rights, particularly immunity from the jurisdiction of Turkish courts and exemption from taxation. For historical account and discussion see *Foreign Affairs*, I, 71-81.

<sup>30</sup> N.Y. *Times*, Dec. 3, 1922, 5:1; Dec. 22, 3:1; Dec. 29, 2:5. *Times Current History*, XVII, 747, 930.



The Straits, according to the demand presented by Lord Curzon for the Allies, were to be open to the merchant and war vessels of all nations, but as a concession to the Black Sea powers, it was provided that no one nation might, at any time, send into the Black Sea naval forces in excess of those of the Black Sea power with the strongest navy. There should be no fortifications on the Bosphorus or Dardanelles. Mr. Child then read a statement that the United States wanted the Straits open to all vessels at all times.<sup>31</sup> Although the Allies had agreed to admit Russian representatives to the discussion of this subject, they had difficulty in getting a hearing and they ostentatiously walked out of the convention hall, Tchitcherin leading, as a protest against exclusion from the debate. However, they were finally allowed to make a proposal and they out-Turked the Turk, proposing that the Straits be closed and fortified.<sup>32</sup> Curzon now laid his proposals on the table as an ultimatum.

One feature particularly objectionable to the Turks was the provision for a commission (Great Britain, France, Italy, Japan, Greece, Roumania, Russia, Bulgaria, Jugo-Slavia, and America, if she ratified) to administer the Straits under the treaty and for the protection of the demilitarized zones, in case of a menace of war, by the signatory powers "by every means the Council of the League of Nations may lay down." In his opposition Ismet was supported by Mr. Child, who sent to all the delegations a signed statement objecting to the commission because it implied that Turkey could not be trusted to carry out her agreements. But, under pressure of the Allies and the fear that Russia was

<sup>31</sup> *N. Y. Times*, Dec. 7, 1922, 1:8.

<sup>32</sup> *Ibid.*, Dec. 13, 2:5-6; Dec. 19, 3:4.

getting too friendly, Ismet agreed to the Curzon proposals with a few reservations, although he had Mr. Child's objections in his pocket.<sup>33</sup>

The Allies presented the following plan for settling the question of minorities: (1) Treaty provisions similar to those for minorities in the Treaty of Versailles; (2) a general amnesty by both Turkey and Greece in accordance with which Christians in Turkey and Turks in other countries should be allowed to purchase exemption from military duty and all minorities given freedom of movement; (3) the establishment of a board in Constantinople to watch over the rights of minorities.

In support of this plan Lord Curzon depicted the horrors suffered by the minorities, told of the hundreds of thousands who had perished or were now in exile and reminded the Turks and the Greeks that the eyes of the world were upon them. The minorities must be protected. For half a century protection had been promised the Armenians. He now reminded the Turks of the Allied note of September 23, which led to the calling of the conference and in which they had assigned eastern Thrace to Turkey on condition that she give assurances for the safeguarding of minorities and accept the supervision of their execution by the League of Nations. He also reminded them that minorities in Christian countries had been given pledges of protection and now those in Turkey must be given similar security. Turning to Ismet he declared that the Armenians were deserving of special consideration, not merely because of cruel suffering, but because of promises made to them in the war. Out of 3,000,000, said he,

<sup>33</sup> *Times Current History*, XVII, 743-4; *N. Y. Times*, Dec. 21, 22, 23.

only about 130,000 remained in Asiatic Turkey. These, together with the hundreds of thousands of refugees in surrounding countries, should have a homeland.

How Curzon expected this appeal to have any effect, except possibly that of irritation, upon Ismet Pasha it is hard to see. He wound up by admitting that the execution of the plan was difficult, but said that he would like to hear the opinion of the Turk on it.

Now Ismet had come prepared with a pocket full of quotations from western historians, diplomats and others to show that Turkey had been the victim of a malicious propaganda. Christians and Turks, he declared, had lived together in peace for centuries. Trouble began with the Treaty of Kuchuck Kainarji (1774), when Russia secured the right of intervention in behalf of orthodox Christians. From that time on the powers had tried to work the situation for the downfall of Turkey. To Russian propaganda was due Gladstone's crusade against the Turks. Christians had always started the massacres and Turks were guilty only of reprisals. For many years an Armenian society in Europe had provoked massacres to give Russia a chance to attack Turkey. After 1878, when the powers collectively undertook the protection of the Christians, the situation steadily grew worse. The Jews had no promise of such protection, yet they had had no trouble.

There were two basic causes of trouble in Turkey: (1) Outside interference; (2) the desire of subject populations to be free. Safety in the future would depend on the neutralization of these two forces. The proposal for supervision by the League of Nations was unacceptable because it would continue outside interference. The result would be "exploitation of the minorities for political purposes behind the lying cloak

of humanitarianism." There were only two possible solutions, either expel the minorities or trust to Turkey's good will and sense of justice.

Mr. Child now followed with an argument in behalf of the minorities and tried to convince the Turks that it was to their interest to give them protection. Safety and relief from suffering was one of the principal concerns of government. Surely Turkey, aspiring to independence and progress, would contribute her part. The safety of the people of the Near East was, said he, a matter of "vital interest" to the people of the United States. After reciting what the people of the United States had done for relief in the Near East he said: "The facts are a rebuke to the world. They challenge the self-respect of civilization." What should be sought now was "prevention rather than relief, guarantees of safety for minorities rather than mere succor to their misery, and permanent joint action rather than mere spasmodic separate activity." The people of America had a profound interest in the people of the Near East, said he, and would "continue to stand ready with their contributions."<sup>34</sup>

Speaking, as he did, just after Ismet Pasha had finished, Mr. Child was at a considerable disadvantage. His appeal could hardly be expected to have much influence with a man who had just hurled defiance at the assembly. Even his sympathetic auditors must have wondered what would be the need of those contributions, if the misery was to be prevented by that "permanent joint action" for which he pleaded, but in which he showed no disposition to lend a helping hand.

The next day Ismet gave a prepared reply. Reflecting overnight he decided that, in all probability, neither

<sup>34</sup> N. Y. *Times*, Dec. 13, 1922, 1:6.

England nor France would fight—they were almost at daggers' points over reparations and the occupation of the Ruhr. The United States certainly would not fight. All this talk about minorities was mere camouflage, to make it appear that the break impending on oil in Mosul was about the minorities. He would defy the Allies and told them that there could be no homeland for the Armenians, no exemption from military service, no commission on minorities sitting in Constantinople because it would only result in interference and was incompatible with Turkish sovereignty, but that he would allow the minorities freedom of movement and grant them protection on the same basis as that accorded to minorities in the European countries.

With a little stage play Curzon now affected to defy Ismet and declared that he must give something more than paper guarantees.<sup>35</sup> The next day Ismet announced that Turkey would join the League of Nations and grant protection to minorities under the League of Nations Council sitting in Geneva, but not under a commission sitting in Constantinople. Then Curzon congratulated Ismet on yielding, that is, Curzon capitulated. Also, Mr. Child, although he had told the Turks that the United States might "righteously require guarantees," expressed his satisfaction and said that the League was the proper agent to deal with humanitarian issues.<sup>36</sup>

The result was a compromise, with most of the yielding on the side of the Allies. Whether the minorities will receive any better protection, if this is the final settlement, than under the Treaty of Berlin remains to be seen.

<sup>35</sup> *N. Y. Times*, Dec. 14, 1:8.

<sup>36</sup> *Ibid.*, Dec. 15, 1922, 2:7.



While these discussions were in progress the Angora government was issuing orders for the expulsion of the Patriarchate from Constantinople. Mr. Child now said that this proposal "has been met by vigorous disapproval and protest among large bodies of American citizens. . . . An intolerable injustice will be done, if there is insistence upon the abolition of this institution."<sup>37</sup> However, he now seemed to be representing the Federal Council of the Churches of Christ in America, not the Department of State. The Turks paid little attention to the protest, but later, in three weeks, following appeals from the British, French, Roumanian and Greek delegates, agreed to let the Patriarchate remain when stripped of all administrative and civil functions.<sup>38</sup>

Although the final result showed many concessions to the Turks, the treaty was not a negotiated one, but a paper handed to the Turks to sign. Ismet refused to do this, but agreed to lay it before the Assembly at Angora. After waiting several weeks—how much deliberating was done we do not know—that body announced its rejection of the treaty and its willingness to renew negotiations.

The conference reassembled April 23, but the heads of the Allied delegations did not return, Lord Curzon being replaced by Sir Horace Rumbold and Millerand by General Pellé. Mr. J. C. Grew, minister to Switzerland, who had been associated with Mr. Child in the first session, now took his place as head of the American delegation. The Allies were still determined to salvage as much as possible of their interests in Anatolia, the Turks to free themselves as far as possible

<sup>37</sup> *N. Y. Times*, Dec. 16, 1922, 14:2; Dec. 17, 1:1.

<sup>38</sup> *Times Current History*, XVII, 746.

from their old commitments and obligations to the Allies. To this end the latter had been busy with a scheme to drive a wedge between the Allies and the United States.

Ever since 1908 Rear Admiral Colby M. Chester had been trying to get an oil concession in Turkey. In the earlier days of his efforts his scheme is said to have been blocked by the Emperor of Germany, who told the Sultan that the Americans "would never help Turkey with troops."<sup>39</sup> Other Americans were competing for concessions and bought out claims of the heirs of Abdul Hamid, but the new government was not disposed to recognize these as valid. In return for a concession Admiral Chester assured Kemal that American influence would be exercised to throw off the capitulations,<sup>40</sup> a bait used by the French in securing the treaty of 1921. After the adjournment of the first session of the Lausanne Conference Kemal seems to have decided that this was a gamble worth trying and secured from the Assembly confirmation of a very sweeping grant to Admiral Chester, who had been working for it for fifteen years.

By the terms of the concession the American Turkish Development Company (the Chester interests) was to build a railroad from Angora through Kharput on to Mosul and beyond, with numerous branch lines, one running north to Samsun on the Black Sea, another east to Lake Van, and another south to the Bay of Alexandretta opposite the place held by the French. The concession carried with it the right to exploit the mineral resources and forests for twenty kilometers out on each side of the railroads, to build model villages,

<sup>39</sup> N. Y. *Times*, April 29, 1923, II, 2:3.

<sup>40</sup> *Ibid.*, April 21, 1923, 5:1.

to organize the working classes, to teach them physical exercises and to love sports, and to "better the Turkish character." <sup>41</sup>

Naturally the French and the English expressed a lively interest in this concession as soon as it was made public. The French government at once protested against it as covering a concession from Angora to Samsun made to French capitalists in 1914 in return for a loan, one half of which was paid over before the war began, and also property in Samsun put there by the French in 1914, and asked the State Department if it proposed to back up the Chester grant. Great Britain also announced that she would not recognize any concessions in Irak (Mosul), over which she held the mandatory. <sup>42</sup>

This was precisely what the Turk expected and wanted, if only the American State Department would back up the Chester claim. With a light heart Ismet now returned to Lausanne, leaving the Chester concession back at Angora as a *fait accompli* not open to discussion and hoping to get the backing of the United States for the abolition of the capitulations. However, a keen disappointment awaited him, for Mr. Grew announced that the United States would not support any claims to concessions abrogating the acquired rights of the nationals of other countries. Nearly a month later Ismet, despairing of any further support here, agreed to recognize all contracts made by the old government at Constantinople with foreigners up to 1920, which amounted to recognizing the validity of the French claims to some of the grants

<sup>41</sup> N. Y. Times, April 12, 1923, 1:6; April 18, 3:1; April 20, VIII, 1. *Current History* XVIII, 484-9 for text of the concession.

<sup>42</sup> N. Y. Times, April 12, 1923, 1:6; May 3, 6:1.

covered by the Chester concession.<sup>43</sup> But even this was not enough to satisfy the Allies and they then began an effort to get a paragraph inserted in the treaty validating contracts and concessions made by Turkey previous to the war where their validity was uncertain. To this Mr. Grew objected, holding, without any reference to the Chester concession, that it was wrong in principle to make any such use of treaties.<sup>44</sup> This pleased Ismet, who said that the question of concessions must be referred to the Angora Assembly.

At the same time that Mr. Grew announced that he would not support any concession conflicting with valid claims of the nationals of other countries he also announced that he would not acquiesce in the action of Turkey in abolishing the capitulations in 1914, although privately acknowledging that they were already dead. Apparently he was now afraid that the Allies would go further in acceding to Ismet's demands than he was willing to go and notified them that he reserved the right to state his position later. The Allies urged him to make his statement then, before decisions had been reached, else it might come too late and have no effect. However, he contented himself with saying that guarantees in the place of the capitulations would be acceptable and urged Ismet to accept the Allied proposal made at the first session (February 4) for the employment of four foreign jurists as advisers for five years. This proposal had been rejected by Ismet and the Angora Assembly, but now when the Allies proposed to add to it that no foreigner

<sup>43</sup> N. Y. *Times*, April 28, 1923, 1:6; May 3, 1:6. *Current History*, XVIII, 681.

<sup>44</sup> N. Y. *Times*, June 29, 1923, 19:4.

should be arrested in Constantinople, Samsun, Smyrna, or Adalia or subjected to domiciliary visits for five years without the approval of one of the judges Ismet refused to discuss it and said that the Allies must stand by their proposal of February 4. In the end a compromise was effected, the Allies agreeing not to insist that the decision of Turkish courts during the war affecting foreigners should be subject to review, the Turks agreeing to accept the four foreign advisers who should be informed of all arrests and domiciliary visits and be authorized to follow all cases and make recommendations to the minister of justice.<sup>45</sup> Even the international health board established at Constantinople to prevent the spread of disease had been abolished by the Angora Assembly and to this the Allies now assented, but Ismet promised to appoint three foreign physicians.<sup>46</sup>

Week after week the conference dragged out its weary life, talking much and accomplishing little, at least little that was to the liking of the European powers and the United States. A considerable part of the time was spent in discussing the foreign debt of Turkey, a question of no concern to the United States. Years ago Turkey had mortgaged her customs receipts to secure loans from French and British capitalists, but the Angora government now wished, as a part of its plan for the restoration of Turkish sovereignty, to rid itself of this mortgage, though not entirely of the debt, and of the right of the western powers to interfere in her finances. This the Allies steadily refused and they finally asked Mr. Grew to

<sup>45</sup> N. Y. *Times*, May 4, 1923, 3:3; May 5, 1:2; *Current History*, XVIII, 680-1.

<sup>46</sup> N. Y. *Times*, May 19, 1923, 4:3.



back them up, but of course there was nothing he could do. In the end the matter was left out of the treaty, Ismet saying that the old conditions of foreign control of the customs was ended and that Turkey would not pay in gold because she was unable to do so, the Allies that they did not recognize any change and that they would protect their nationals.<sup>47</sup>

In order to get some further concessions from the Allies Ismet promised to respect certain concessions to British and French companies, the validity of which was open to question, and to grant priority rights on future concessions for ten years, but Mr. Grew protested against this as violative of the Chester concession and of the open door policy, and in this he was supported by the Japanese representative. After having paid several visits to Ismet, he secured his repudiation of the agreement. The British reproached him for breaking his word, but all in vain. However, Sir Horace Rumbold served notice that Great Britain would recognize no concession (Chester) conflicting with British concessions.<sup>48</sup>

August 4 Mr. Grew signed a treaty of amity and commerce with Turkey in which he was forced to make the same concessions that the Allies had made, no home for the Armenians, precious little protection for minorities, and the abolition of the capitulations. American schools and hospitals have the same rights as Turkish institutions.

Such in brief is the history of the Lausanne Conference so far as concerns the participation and interest of the United States in it. The result was a notable victory for the Turks, a part of which was

<sup>47</sup> N.Y. *Times*, July 18, 1923, 3:1.

<sup>48</sup> *Ibid.*, July 13, 3:4; July 17, 3:1; July 18, 3:1.

justified and was partly due to the activity and influence of the United States. From the American point of view little can be said in criticism of Mr. Hughes' attitude (and that of Mr. Colby before him) on the open door policy, but the European powers look at it differently from the point of view of practical politics. Also, we must agree with them that there is a difference between the open door in ordinary commerce and in concessions, it being practically impossible to keep the door open in the case of the latter. Then, too, though they were willing enough to betray Armenians and Greeks to save the holders of bonds and concessions, they must have wondered a little at the temerity with which Americans pried open the door for business and the little resistance they offered when the door was slammed in the face of humanity.

To sum up the part played by the United States we may say that she helped to secure the freedom of the Straits, but probably will never take any part in making that freedom secure; that she stood for a separate home for the Armenians, but lost out entirely, the Turks refusing to sign a treaty in which the word "Armenian" was so much as used; that she opposed the expulsion of Christians from Turkey, but practically lost out on that; that she protested again and again against the abolition of the capitulations, but conceded a part of the Turkish demands and saved a modicum of the old rights; that she stood for the open door and on this was in a measure successful—against the Allies. With such a background as this while the conference was still dragging out its weary life, Mr. Grew received instructions to proceed with a separate treaty with Turkey. It is impossible to tell at this time (July 15) exactly what he secured.

What is the explanation of the results at Lausanne? Secretary Hughes had said that he did not propose to use bluff where it was not to be supported by force. If he had studied carefully the life of a distinguished predecessor, John Hay, he would have seen that that gentleman has succeeded in a game of bluff against more powerful odds. A measure of success attended the efforts of Mr. Child, but it was in modifying the attitude of the Allies, not bending the Turks. Although the United States had "warships in the Straits with instructions not to shoot and diplomats at Lausanne with instructions not to vote," nevertheless she had a "favorable ledger account" and the Allies felt compelled to accept at least a part of her advice and concede a part of her demands.<sup>49</sup> This, according to eye witnesses, is the reason why the Allies tolerated the presence of our representatives. But the Turks had no fear of unloaded guns. When our policy fell in with their wishes, they welcomed our advice—to their enemies. When it did not, they treated it with contempt.

American opinion was divided in approving or disapproving the part played by our delegates in the conference. As the conference progressed and Mr. Child spoke the mind of the State Department on the question of the Straits, capitulations, and the protection of minorities there was a strong chorus of approval, but as the defiant attitude of the Turks became more and more evident there was an increasing regret that we were losing an opportunity to help salvage the civilization of Europe by using a little bluff. Whether justly or not, the State Department was denounced for taking a strong stand on questions where oil was in-

<sup>49</sup> N.Y. *Times*, Nov. 26, 1922, 2:1-2.

volved, but a correspondingly weak one in behalf of suffering humanity.<sup>50</sup>

Failing to get any satisfaction from the State Department on the matter of protection for minorities some of the interested organizations turned to Congress and asked that at least the refugees be admitted to our shores.<sup>51</sup> Mr. Hamilton Fish, Jr., now introduced a resolution expressing the hope of Congress that the government of Turkey would "stay the hand of fanaticism and lawless violence" so as to secure the unoffending Christians the "rights belonging to them both as men and as Christians," and this was referred to the committee on foreign relations. Later he introduced a bill authorizing a loan of \$20,000,000 to Armenia, provided the Conference at Lausanne made adequate provision for a national home, and Senator Williams introduced a similar bill in the Senate.<sup>52</sup>

About this time Mustapha Kemal issued a rather remarkable address "To the Great American Nation," possibly as a counter move to check the growth of anti-Turk sentiment. Declaring that "the Great George Washington, the foremost modern pioneer of liberty," was his model, he said:

You have expelled tyranny and despotism from your country. You have obtained and established your freedom and independence after a long and sanguinary struggle, and you have built up a civilized, strong, democratic State based upon the sovereignty of the people.

On the opposite side of the earth there is to-day another nation that is struggling and shedding blood for the same aims of freedom, independence and democracy. They (*sic*)

<sup>50</sup> See especially the denunciations of Mr. Henry Morgenthau, *N. Y. Times*, Nov. 10, 1922, 3:6; Nov. 12, IX, 1:6; Nov. 28, 7:2; Nov. 29, 2:4; Nov. 30, 2:3. Also, *Cong. Rec.*, Dec. 6, 1922.

<sup>61</sup> *Cong. Rec.*, Dec. 5, 1922, 22-3 (daily edition).

<sup>62</sup> *Ibid.*, Dec. 21, 1922, 841; Dec. 22, 950.

seek to blind your eyes to the purity and elevation of these aims. The authors of this propaganda are either ignorant fanatics or the agents of those who are openly or secretly fighting against us to frustrate and destroy our newly won liberty. Do not believe calumniators.

Keep your hearts open to the Turkish people, who are fighting for freedom and independence, and sincerely striving to become an element of progress and justice in the world, like yourselves.<sup>53</sup>

While declaring that Christians would no longer be given any special privileges in the way of protection, he sought to assure the world that they would enjoy equal rights and protection with Moslems.

Probably this address had no direct influence in modifying the sentiments of senators, who could easily detect its insincerity, but it was not altogether displeasing to the radicals in this country who, ignoring the bloody record, sympathized with the nationalistic aspirations of the Turks as over against outside control. The resolution protesting against the slaughter of Christians was allowed to rest in peace in the room of the House committee on foreign relations and neither of the bills for a loan to Armenia was ever reported out of committee.

But if a homeland could not be provided for the Christians in Turkey, something might be done for them here. In response to the appeal for a haven of refuge for the fugitives Senators Keyes and Williams introduced bills authorizing the commissioner of immigration to exceed the three per cent limit for such people. As reported out of committee the bill limited the exception to 6000 adult Armenians and 25,000 children, the latter to be cared for in asylums or private homes. In this form the bill passed the Senate without

<sup>53</sup> *Cong. Rec.*, January 26, 1923, 2505.



a division,<sup>54</sup> but never was reported out of committee in the House.

When Secretary Hughes announced his policy in the speech of October 30 the Paris press was somewhat puzzled by it. As the policy developed at Lausanne, especially after Mr. Child's speech in denunciation of the San Remo agreement, the Paris correspondent of *le Temps* feared that our support of Turkey would "gravely compromise the work of pacification." The *Journal des Débats* summed up our attitude as follows:

We do not wish to assume any responsibility, nor to consent to any sacrifice; but we intend to reserve to ourselves the same advantages as those states which are running risks.

The *Daily Herald*, a London labor paper, saw in it the hand of the Standard Oil and the *Daily Chronicle* declared that there was a "fundamental contradiction inherent in a policy which simultaneously claims a decisive voice in the settlement of affairs all over the world and obstinately declines all responsibility." <sup>55</sup>

<sup>54</sup> *Cong. Rec.*, Jan. 9, 1477; Feb. 5, 3801, 3194.

<sup>55</sup> *Lit. Dig.*, Dec. 9, 1922, 21.

## CHAPTER XXIII

### THE INTERNATIONAL COURT OF JUSTICE

Every power, great or small, must submit to the overwhelming supremacy of the public will which has already declared and will hereafter declare, that every unnecessary war is an unpardonable crime, and that every war is unnecessary when a resort to arbitration might have settled the dispute.—Joseph H. Choate at The Hague Conference, 1907.

Simply because she has been engaged in several considerable wars and numerous petty conflicts the United States has been charged with being a militaristic nation. The charge is untrue. On the contrary, in spite of a few lapses, she has just cause to be proud of her record in the cause of peace.

The road to peace is the road to right relations, the road to justice. The Monroe Doctrine was proclaimed as defining the proper relation of Europe to America and of the United States to Europe. It was a policy of abstention on both sides from interference prompted by ulterior motives. This meant that it was a policy of peace. As such it is referred to in the reservation added to the Covenant of the League of Nations in the hope of securing ratification by the Senate. Whatever promotes peace based on justice can hardly be out of harmony with the Monroe Doctrine. To have peace we must have a means of settling differences.

Since the dawn of history wars have been used to

settle differences. Wars may indeed settle disputes and even bring peace—Tacitus tells of a Roman general who made a desert and called it peace—but few will maintain that they always, or even generally, settle disputes in accord with justice. In more recent times diplomacy has shared the field with war as an agency for settling international disputes and we must confess that it has been more successful than war in leading the nations toward justice and peace. Unfortunately diplomacy may be, and frequently is, used, not to attain these ends, but to secure unfair advantages even through war.

The noteworthy development of diplomacy in the realm of peace in the nineteenth century was in the field of arbitration. In this the United States has played a conspicuous, not to say a leading, part. The Jay Treaty (1794) is sometimes referred to as our first arbitration treaty. The word "arbitration" is not used in the treaty, but it did provide for a commission to settle certain disputes then existing in the manner used before and since by arbitrators. Since then many cases have been settled by the United States and Great Britain and by foreign powers in this way or by arbitration properly so called. A great landmark in the development of arbitration was reached in the settlement of the Alabama Claims (1872). In 1878 the Italian Chamber of Deputies requested the government to insert in future treaties a clause providing for arbitration and in 1883 the Swiss Federal Council adopted a plan for a general treaty of arbitration. In 1890 Congress adopted a resolution favoring treaties of arbitration and like resolutions were adopted in England and France. Hard upon this came the dispute with Great Britain about the boundary of Venezuela

which, for a time, threatened war. Immediately following this Great Britain renewed proposals made before the crisis became acute and suggested a general treaty of arbitration. The result was the Olney-Pauncefote treaty providing for arbitration of pecuniary and territorial claims. This was championed by both President Cleveland and President McKinley, but was rejected by the Senate.<sup>1</sup> It might have involved some debts repudiated by certain states of the Union.

By this time the demand for an international tribunal of some kind was becoming articulate. In 1895 Sir Randal Cremer induced the Interparliamentary Union to go on record in favor of an international court.

Then came the first Hague Conference (1899). As a means of preserving peace this body adopted provisions for the tendering of good offices and mediation, an international court of inquiry, a Permanent Court of Arbitration, and a code of arbitral procedure. The American delegates carried instructions from Secretary Hay for a permanent court modeled on the Supreme Court of the United States,<sup>2</sup> but no other delegates came with similar instructions and the conference adopted instead Pauncefote's proposal for a so-called Permanent Court, which is nothing but a panel of judges from which nations in dispute may, by a special treaty, select arbitrators. There was no compulsion whatever on any nation to use the court, but the signatories courteously agreed to "consider it their duty, if a serious dispute threatened to break out between two or more of them, to remind these latter

<sup>1</sup> Moore, "Dig. Int. Law," VII, 74-78.

<sup>2</sup> For. Rel., 1899, 512, 517.

that the Permanent Court is open to them" and that this should be considered only in the nature of good offices and not an offense.<sup>3</sup>

The United States was the first to use this tribunal, to settle the Pius Fund dispute with Mexico. In 1904-5 Secretary Hay signed with seven European powers and with Mexico treaties modeled on The Hague provisions for limited compulsory arbitration. Recalling the fate of the Olney-Pauncefote treaty he limited his to differences of a legal nature arising from the interpretation of treaties and not settled by diplomacy, specifically excluding differences affecting "the vital interests, the independence, or the honor" of the two parties and those affecting third parties, and provided that, before resorting to The Hague, the disputants should sign a "special agreement" clearly defining the matter in dispute. When the treaties were submitted to the Senate that body substituted "special treaty" for "special agreement" on the ground that the original provision was an abridgment of the Senate's treaty-making power and therefore unconstitutional. The treaties were then dropped by the President.<sup>4</sup>

While the United States was halting over the prerogatives of the Senate eighteen treaties were ratified by European powers in which they agreed to submit to The Hague Tribunal differences of a legal nature or arising from the interpretation of treaties, provided they did not affect "the vital interests, the independence, or the honor of the contracting parties" or the interests of a third power. Spain and Portugal agreed to submit to obligatory arbitration all differences with

<sup>3</sup> Scott, "Proceedings of The Hague Peace Conferences," I, 606-7.

<sup>4</sup> Moore, VII, 95-103.



the foregoing exceptions. Six powers signed treaties with Belgium similar to that between Spain and Portugal, but including pecuniary claims. The Scandinavian countries concluded six treaties agreeing to submit all differences to obligatory arbitration with the exceptions named above, but Norway and Sweden agreed to leave to The Hague Tribunal the determination of whether the dispute involved vital interests, etc. Denmark and the Netherlands and Denmark and Italy went a step further and agreed to submit all differences, without exception, to obligatory arbitration.<sup>5</sup>

In his instructions to the delegates to the second Hague Conference (1907) Secretary Root reminded them of our policy to "avoid entangling alliances and to refrain from any interference or participation in affairs of Europe," but he instructed them to propose a court of obligatory arbitration of cases not affecting the "vital interests, the independence, or the honor" of the contracting parties, this court to be composed of "judges who are judicial officers and nothing else."<sup>6</sup>

The conference endorsed and tried to strengthen the agencies proposed by its predecessor and in addition sought to provide an International Prize Court of Appeal and an International Court of Arbitral Justice. In the latter the delegates sought to create a really permanent court of a definite number of judges meeting annually, or on call, at The Hague and competent to hear and decide any case submitted to them. But the conference split over the question of "obligatory," or, as some put it, "general" arbitration. The Anglo-American project provided for submitting "differences

<sup>5</sup> David J. Hill quoted in *Review of Rev.*, 36:373.

<sup>6</sup> For. Rel., 1907, 1131, 1134-5.

of a legal nature, and especially those relating to interpretation of treaties . . . which it may not have been possible to settle by diplomacy," provided that they did not affect the "vital interests, the independence, or the honor" of the disputants. Each state was left to judge for itself whether these questions were involved. The vote on the proposal was 34 for to 5 against (Germany, Austria-Hungary, Greece, Roumania, and Turkey), with four not voting.<sup>7</sup>

It is somewhat remarkable that, although no delegates except those from the United States had come with instructions to sanction any such proposal, a large majority did so. But, had they been unanimous on this, they probably would still have split, as they did, over the appointment of the judges, since they could find no way to select a small number which was acceptable to small and great powers alike. But the general work of the conference was approved by President Roosevelt and by the Senate, although the latter ratified the conventions with a reservation of our "traditional policy" in European and American matters, as noted above.<sup>8</sup> The administration further showed its approval when Secretary Root revived the Hay treaties and put them through, as amended by the Senate, with nineteen countries.

Also, America was determined not to let the idea of an international court die. In 1909 Secretary Bacon tried to get the London Naval Conference to agree for the International Prize Court to assume the functions of the Court of Arbitral Justice, but the Conference decided that this was beyond its scope and advised that it be taken up through diplo-

<sup>7</sup> Scott, "Proceedings of The Hague Peace Conferences," I, 507, 529.

<sup>8</sup> *Supra*, 141.

matic channels. Mr. Knox, successor to Secretary Bacon, then tried diplomacy and secured replies indicating a willingness to set up a court modeled on the Prize Court.<sup>9</sup> In 1910 a draft convention was signed by representatives of the United States, France, Germany and Great Britain agreeing to organize a court of the plan of 1907 and to put it into operation when ratified by eighteen nations,<sup>10</sup> but the old difficulty about the appointment of judges made it impossible to secure ratification even by eighteen. People now began to look forward to the third Hague Conference, called to meet in 1915, for further action on this matter, but the outbreak of the Great War made it impossible for the conference to meet.

Meantime the United States was getting back into line, as shown by the revival of the Hay treaties. It fell to the lot of President Taft to proclaim these treaties. Now President Taft was of a judicial turn of mind and he felt that these treaties did not go far enough. Under his inspiration treaties were now signed with France and Great Britain for submission of all disputes susceptible of decision by application of the principles of law or equity. There was to be a Joint High Commission of Inquiry to which either party might refer a case for a report on the facts and for recommendations before submitting it to arbitration. In case the parties disagreed on whether a case was justiciable the question was to be submitted to the Joint High Commission. Ex-President Roosevelt at once raised a storm of protest on the ground that this might force the submission of questions involving vital interests, etc. The Senate then struck out the

<sup>9</sup> For. Rel., 1909, 597 f.

<sup>10</sup> C. P. Anderson, *N. A. Rev.*, 212:597.

clause providing for submission to the Joint High Commission on the ground that it was unconstitutional and President Taft dropped the treaties as Roosevelt had done in 1905.

The Root treaties (1909) had been limited to five years. When the time came to renew them an attempt was made in the Senate to amend them so as to exclude from arbitration the question of Panama tolls and the land and school question as raised by the Japanese, but this failed.

President Taft's idea of a commission of inquiry had made a strong impression on Mr. W. J. Bryan. In April, 1913, with the approval of President Wilson and the Senate committee on foreign relations, he began to sound out the various foreign offices on the subject and by the end of the year had received favorable replies from thirty-one countries. The proposal was also endorsed by the Universal Peace Congress and the Interparliamentary Union. Secretary Bryan now drew up a treaty providing that all disputes "of every nature whatsoever," not settled by diplomacy and not covered by existing arbitration treaties, should be referred to an International Commission of Inquiry and that there should be no declaration of war pending its investigations, which should be completed in a year. The commission was to be composed of five members, each country naming one of its own nationals, one from a third country, and one agreed upon by the two governments. This commission was simply to investigate and report, after which the nations were free to act as they saw fit.<sup>11</sup>

As questions "of every nature whatsoever" were included this certainly meant that the United States

<sup>11</sup> For. Rel., 1914, 171.

had agreed that questions arising out of the Monroe Doctrine should at least be subject to inquiry by an international commission, though she did not agree to be bound by its decisions. A few days after the Great War broke out the Senate ratified several such treaties and in 1916 they were in force with eighteen countries, including France, Great Britain, Russia, Sweden, Denmark, China, and several American countries.

Such was the situation when the great crisis of 1914 startled the world and all the existing machinery for the settlement of disputes broke down. As the war progressed men felt more and more the need of stronger agencies to prevent such disasters and began to plan for them. For the first two years and a half of the war Americans had more time than did Europeans for this kind of planning.

In following the development of arbitration we have found an advance in thinking along two lines. One was that peace could be assured only by the submission of all disputes, for men began to realize that "vital interests, independence, and honor" was a procrustean cloak which might be stretched at any time to cover any case which a particular nation did not care to have settled by outsiders. The other was for the substitution of judicial for arbitral procedure. It is clear that there is a vast difference between the two. Arbitrators do indeed hear and weigh evidence, but they are not absolutely bound by it in rendering a decision. On the contrary they sometimes compromise, giving something to each in the hope of so far appeasing both as to avert further trouble for the time being. This is not said in disparagement of arbitration; it has accomplished, and probably will yet accomplish, notable results. But there has been a



growing feeling that decisions should be based on justice in accordance with law and evidence. With this end in view the problem was to find the means.

Several articles have been written pointing to the United States Supreme Court as the model. While this deals mostly with private cases, it also handles disputes between the states of the Union. Previous to its organization there were several serious disputes between the states, mostly over boundaries. When the Confederation was organized an attempt was made to provide the means for settling "disputes concerning boundary, jurisdiction or any other cause whatever." The agency provided was as follows: Any state having a controversy with another should notify Congress and that body should then notify both parties to appear and select "commissioners or judges to constitute a court for hearing and determining the matter in question." If they failed to agree, Congress should then submit a panel from which they could strike names until a commission or court was secured. The decision of this body was to be final and conclusive.

But this never proved a very effective agency and disputes continued, some of which almost led to war. In reorganizing the government the Convention of 1787 decided that the proper organ for settling such controversies was the Supreme Court, a permanent judicial body, and covered the whole matter by simply saying that it should have jurisdiction over controversies between two or more states. Several controversies were pending when the court was organized and it had considerable difficulty in handling them. Its decisions were sometimes successfully defied by the states and many years passed before its authority in such cases was undisputed. As late as the twentieth

century West Virginia tried to evade the consequences of an adverse decision, but finally had to yield. Its decisions are accepted as final.

In the summer of 1918 Mr. E. M. House, personal adviser to President Wilson, began working on a draft for a League of Nations in conformity with the last of the President's Fourteen Points. In the course of this work he held several conferences with Mr. Elihu Root, formerly secretary of state and one of the best American jurists living. It was he who, in 1907, instructed our delegates to the second Hague Conference to try to bring about limited compulsory arbitration before a court composed of "judges who are judicial officers and nothing else." In view of this it is not surprising that he induced Mr. House to include in his draft a provision for an International Court of Justice.<sup>12</sup> For some strange reason—his devotion to arbitration is hardly enough to account for it—this was stricken out by President Wilson and never included in any of his drafts. The Smuts' draft contains no reference to such a tribunal, though the Cecil draft does refer to "a Court of International Law." The official French plan referred to "the International Tribunal," possibly The Hague Tribunal. But the Covenant as finally adopted provided for such a court in Article XIV.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

<sup>12</sup> Baker, "Woodrow Wilson and World Settlement," I, 218; III, 82.

How the United States rejected the League of Nations has already been discussed. In all the attacks upon the Covenant comparatively little attention was paid to Article XIV. Some hoped that we might participate in this, even if we did not join the League.

The Constitution of the United States simply provided for a Supreme Court, defining its jurisdiction, and left its organization to Congress. Just so, the Covenant of the League of Nations simply defined the jurisdiction of the International Court, leaving its organization to the Council and the Assembly. At its second meeting the Council voted to appoint a commission to prepare a plan of a "Permanent Court of International Justice" and secured the coöperation of ten celebrated jurists, among them Mr. Elihu Root, although the United States was a rank outsider.<sup>13</sup>

This advisory council met at The Hague and, after sitting for five weeks (June-July), unanimously reported to the Council a plan for such a court. It provided a court of fifteen judges (eleven regular and four deputy), defined their qualifications, term, and provided for their pay. The Hague Conference had split over the method of selecting, being unable to find a method acceptable alike to the small and the great powers. This difficulty was now avoided by the provision that they should be elected by the Council and the Assembly sitting separately, thus giving a voice to the small powers and also a restraining, not to say determining, influence to the great powers. The seat of the court was fixed at The Hague, where it is to hold regular sessions.

On the matter of competence the advisory council

<sup>13</sup> "League of Nations," *Official Journal* I (March, 1920), 72; Nov-Dec., 1920, 12.

reported that it should "have jurisdiction to hear and determine suits between states." Mr. Root had insisted that the court have compulsory jurisdiction and when the representatives of England, France, Italy and Japan read the report as turned in they declared that it looked too much as if he had carried his point. This was precisely what the small powers wanted. They had no hope of compelling the great powers to do justice by force, but they might secure justice, if allowed to hale them into court. But the great powers said that they would not agree to compulsory jurisdiction so long as such powers as Russia, Germany, and the United States were outside. Also, it appeared that they were unwilling to have such a court sit in judgment on the treaties in which they had sealed up their victories in the Great War. Of the nations represented thirty-seven favored compulsory jurisdiction, but unanimity was required for adoption. After a week's debate the plan of the advisory council was altered so as to leave it to the states to accept its jurisdiction voluntarily, as in the case of The Hague Tribunal. As adopted, only states, for themselves or as champions of nationals, may be parties to cases before the court. It is open to members of the League and to the states mentioned in the Annex to the Covenant.<sup>14</sup>

On the subject matter of jurisdiction there was some difficulty in reaching a conclusion, but the advisory council, following closely Article XIII of the Covenant, agreed that it should hear cases involving (a) the interpretation of a treaty, (b) any question of international law, (c) the existence of any fact which, if established, would constitute a breach of inter-

<sup>14</sup> "World Peace Foundation," *League of Nations*, III, 213; IV, 107, 288. *N. Y. Times*, March 29, 1923, 18:7.

national obligations, and (d) the nature and extent of the reparations to be made for the breach of an international obligation. In cases of disputed jurisdiction the court itself is to decide.

Two things stand out prominently in connection with the establishment of this court. One is getting over the difficulty which wrecked the Court of Arbitral Justice in 1907, the appointment of the judges. On the other there is not as much reason for congratulation. In changing the report of the advisory council so as to make it clear that there would be no obligatory submission the Council and the Assembly virtually changed the court from a court of justice to a tribunal of arbitration. However, a clause was added providing that nations so desiring might accept the tribunal as a court with obligatory jurisdiction by ratifying a protocol to that effect when ratifying the statute, and that they might accept unconditionally or on condition of reciprocity.<sup>15</sup> At least this much was left of Mr. Root's plan for obligatory jurisdiction by a court of "judges who are judicial officers and nothing else." Another small advance has been made in the subject matter open to judicial settlement. "Vital interests, independence, and honor" are no longer specifically excluded, though the nations not ratifying the protocol for compulsory jurisdiction are still free to exclude them.

The provision for the court was to be effective upon the nations ratifying when ratified by twenty-four. It was adopted on December 13, 1920, and sent out to the members of the League. By June 21, 1921, it had

<sup>15</sup> "League of Nations," *Official Journal*, II, 14 ff., 146, 154, 313, 414. "World Peace Foundation," *League of Nations*, IV, 288-290. *Amer. Jour. Int. Law*, XIV, 581-590; Supplement, 371-84; XV, 52-55, 262-6.



been ratified by thirty-nine states, several of which accepted obligatory jurisdiction. The next thing was to elect judges. Mr. Root declined to allow his name to be considered, but, although the United States had no official connection with the League or its court, another distinguished American jurist, Professor John Basset Moore, was elected.

For more than two years the United States has treated the League of Nations with scant courtesy, seeming simply to ignore its existence. However, she has not withdrawn from participation in European affairs. She has participated officially in several non-political conferences and has sent "observers" to several largely political in character. Though the conferences at Genoa and The Hague were called to consider economic rehabilitation she declined to send representatives on the ground that the conferences must of necessity deal with political issues. An invitation to send a representative to discuss mandates was ignored while sending complaints to the individual nations that they were allocating mandates without consulting her. We have seen that she refused to allow Panama to refer her dispute with Costa Rica to the Council.

While the League feels our rebuffs it is continuing to pursue the even tenor of its way. It gracefully acquiesced in our taking over of the Panama-Costa Rica dispute, but it continues a policy of rapprochement with Latin America without stopping to ask whether this is contrary to our traditional policy or not. The Council has advised the establishment of a Liaison Office somewhere in Latin America, either at Montevideo or Rio de Janeiro,<sup>16</sup> and it has elected a

<sup>16</sup> "League of Nations," *Official Journal*, III, 559 f.

Chilean, the Hon. Augustin Edwards, President of the Assembly.

Now the International Court of Justice, the most important creation of the League, is in operation and six American countries, including Canada, have ratified the statute creating it, three of them (Brazil, Haiti and Uruguay) including the protocol for obligatory jurisdiction. What is to be the attitude of the United States toward the court? Will she allow this court, sitting in Europe, to settle American questions, possibly questions in which she herself may be concerned—what if Haiti should invoke it!—or will she interfere between American nations and the court as she did between Panama and the Council, and will she treat it with the same contempt which she dealt out to the Central American Court when it decided against her?

Before the court was a year old it became clear that unofficial American opinion was strongly in favor of participation by the United States. As Article XIV had never been attacked by the opponents of the League and the court was open to nations not members of the League, there was no insuperable difficulty to official sanction of the court by the administration elected on the issue of rejection of the Covenant. In his Boston speech (October 30, 1922) Secretary Hughes indicated that the administration was seriously considering the matter, but nothing more was heard of it until near the close of the session.

Possibly Senator Borah suspected that something was coming and decided to anticipate it. On February 14 he laid before the Senate his Fourteen Points consisting of twelve whereases and two resolutions. In the former he pointed out that war was a relic of barbarism, that it had failed as a means of settling

international differences, that it was "the greatest existing menace to society," that it is condemned by the moral sentiment of mankind, that we cannot hope to kill it as long as it is legal between nations, that differences between states can be settled by judicial process as demonstrated by the successful operation of the United States Supreme Court for one hundred and thirty-five years in settling disputes between states of the Union, thereby furnishing a "practical example for the compulsory and pacific settlement of international controversies," and that "an international arrangement of such judicial character would not shackle the independence or impair the sovereignty of any nation." The first resolution declared that "war between nations should be outlawed as an institution or means for the settlement of international controversies by making it a public crime under the law of nations" and that nations should solemnly agree each to "indict and punish its own international war breeders and war profiteers." The second called for "a code of international law of peace based upon equality and justice between nations" and the creation of an international court "modeled on the United States Supreme Court in its jurisdiction over sovereign states with power to hear and decide all purely international controversies" . . . with the "same power for the enforcement of its decrees as our Federal Supreme Court, namely the respect of all enlightened nations for judgments resting upon open and fair investigations and impartial decisions and the compelling power of enlightened public opinion."<sup>17</sup>

The Senate took no notice of the resolutions, allowing them to rest in peace. But ten days later Presi-

<sup>17</sup> *Cong. Rec.*, February 14, 1923, 3667.

dent Harding startled the Senate with a message asking its assent to the ratification of the protocol. In a report accompanying the message Secretary Hughes gave a survey of the historic attitude of the United States toward arbitration and judicial procedure, explained the statute providing for the court, and maintained that participation in the court by the United States would in no way involve her in the League of Nations, but suggested that ratification might be accompanied by a reservation that the United States would not assume any of the obligations of the League; also, he insisted that ratification should be conditioned on representation both in the Council and the Assembly for the selection of Judges; also, that the statute creating the court should not be amended without the assent of the United States. Such conditions President Harding said he believed would be acceptable to the League, but he could not tender them until the Senate approved. This approval he hoped the Senate would now give.<sup>18</sup>

The proposal was received joyously by senators who had supported the League and Senator King introduced a resolution endorsing the proposal, but the committee on foreign relations sought a delay by asking Secretary Hughes several questions, some of which he had already answered. They related mainly to obligatory jurisdiction and to whether the United States would have to recognize as binding the provisions of the Treaty of Versailles relating to labor. All of these were answered in the negative. They also wanted to know what reservations, if any, had been made by the states ratifying the protocol. Secretary Hughes knew of none.

<sup>18</sup> *Cong. Rec.*, Feb. 24, 1923, 4508-4573 (daily edition).

Some outside pressure—letters from individuals and resolutions of organizations—was brought to bear on the Senate, but it refused to take up the King resolution for ratification by 24 to 49, 23 not voting.<sup>18a</sup>

The next day Congress adjourned, but this did not end the discussion. Indeed, discussion had only begun. Some friends and many foes of the League of Nations objected to President Harding's plan. In the case of the former the objection was based mainly on the idea that we should enter the League and not simply the court. In general the objections raised by the latter were in line with those brought against the League when it was under fire. Senator Johnson and some others warned against the court as the back-door entrance to the League and would have none of it or anything like it. Senator Borah clung to his plan as furnishing a "real court with obligatory powers," once it was accepted, while this one did not. He further declared that it was impossible to enter the court and stay out of the League and denounced the attempt to do so as a mark of intellectual hypocrisy and of moral bankruptcy for any party backing it. It would be political cowardice to try to gather the fruits of the court created by the League and to continue to fight the League.<sup>19</sup>

President Harding and his friends did not remain silent. On several occasions the former spoke in defense of his proposition and indicated that he would appeal to the country for final decision. Secretary Hughes also took up the cudgel in behalf of the court, answering objections point by point and showing that there was great need for a separate court established

<sup>18a</sup> *Cong. Rec.*, Feb. 26, 4675; March 2, 5135-7; March 3, 5305.

<sup>19</sup> *N. Y. Times*, March 9, 1923, 3:5; April 27, 7:1.



on a sound basis and declaring that the International Court of Justice met these conditions. Adhesion to the court would not involve us in the League, for the court was not the creature of the League. It was not even created by the League, but by a body of jurists by means of a special statute which is not found in the Covenant of the League. As for unconditional support, that is, entrance to the League, it seemed hardly worth while to revive the controversy over the League and thereby cut off our support of an institution which embodies "the cherished ideal of the American people." As for compulsory jurisdiction, that was to be had by simply ratifying the protocol providing for it and fifteen nations had already done so. However, it was not the policy of the great powers to do this and the United States in her arbitration treaties had excluded independence, vital interests and honor from the list of arbitrable subjects. We should not reject the court because we could not get everything desired. It would be progress to create a tribunal "which in the highest degree will command confidence and to which the nations may present their cases for the most impartial and expert consideration that is obtainable." Even if only a tribunal of arbitration, as some claimed, it was an improvement over all preceding institutions, for it was permanent with judges of continuous service. As for sanctions, there was no need of any armed force. Such a procedure was impossible except where there was substantial unity. When such unity existed, then public opinion was so strong that force was unnecessary. He believed in codifying, clarifying, and improving international law, but that was necessarily a slow process. If we should wait on that, a generation would pass, but the need

for an agent of peace was now acute. "The support of a permanent court as an institution of peace" would be a "powerful influence in the development of the will to peace."<sup>20</sup>

Up to this point the President was making good headway with his proposition, but he seems to have decided that the winning of the irreconcilables was worth while and at St. Louis made the suggestion that the court should be entirely divorced from the League and made self-perpetuating. Senator Borah was then reported as saying that he would give his support to the proposition in this form, but the winning of one irreconcilable cost the support of several Democrats who declared that they would never vote for a self-perpetuating court.<sup>21</sup>

As this book goes to press the issue is not well defined, for no one can tell precisely what President Coolidge will ask the Senate to do when it reassembles in December. Certainly the issue will not be between the Harding plan and the Borah plan, for the great powers are not going to accept compulsory arbitration just now. If Senator Borah was behind the times on the League of Nations, he is somewhat ahead of the times on the matter of the court. Had he not succeeded in defeating ratification of the League, perhaps the world, especially the United States, would not be quite so far behind on his plan to-day. But some day the world will have to consider it. For this reason it seems worth while to examine the Borah plan in the light of the history to which its author has appealed.

Most students of history and of government probably will be surprised to learn that our Supreme Court

<sup>20</sup> *N. Y. Times*, April 28, 1923, 2.

<sup>21</sup> *Ibid.*, June 22, 1923, 2:4; June 29, 10:2; July 1, VII, 1:3.

still exercises "jurisdiction over controversies between *sovereign States*" and that "an international agreement of such judicial character would not shackle or impair the sovereignty of any nation." Without taking sides in the issue as to whether the American states ever were sovereign or not, the student of American history may safely affirm that, if they ever were, they no longer are and that no one agent was more powerful in the destruction of that sovereignty than the Supreme Court. The Civil War simply sealed up its decisions on that point. It is possible to get a court to which the nations may voluntarily agree to submit their disputes without impairing the sovereignty of any nation, provided they are equally at liberty to withdraw that assent at any time, but to say that a court of "such judicial character" as the United States Supreme Court would not impair the sovereignty of any nation is to fly in the face of history. It is based on the false assumption that the only sanction behind our Supreme Court is the "compelling power of public opinion" and that our court has been uniformly successful. The state of Georgia alone successfully defied the court more than once, notably in the case of *Chisholm* and that of the *Cherokee Indians*. The suit of Virginia to compel West Virginia to assume a part of the state debt dragged on for years and West Virginia ignored the court at every possible turn. If she had dared, she probably would have defied it, as Georgia did before the Civil War. When the nations of the world become as completely subject to the International Court of Justice as the states of the Union are to the Supreme Court the world will breathe so freely in the enjoyment of peace that it will not stop to ask what has become of national sovereignty.

## CHAPTER XXIV

### ATTEMPTING TO DEFINE THE MONROE DOCTRINE

Both in Europe and in Latin America objection has been raised to the vagueness of the Monroe Doctrine, to the fact that nobody seems to know precisely what it is. Several Presidents and other officials of the United States have given limited definitions and expositions in making it apply to specific cases, but have always avoided general and complete definitions. When Salvador asked the Wilson Administration for a definition the only answer was to refer her to previous utterances. When this book was almost ready for the press Secretary Hughes entered upon an attempt to define and expound at some length. He did this in a speech delivered before the American Bar Association at Minneapolis, but in reality he was addressing Latin-American and European audiences. So far as the former is concerned, the occasion for the utterances must have been the results of the Pan-American Conference at Santiago; in case of the latter, the numerous efforts made to get the United States to take a hand in settling European affairs.

The definition, exposition, and defense of the doctrine Mr. Hughes divides into six parts. In what follows the language, even where quotation marks are not used, is largely that of Mr. Hughes as reported in the daily press.

## ADDENDA

First. "The Monroe Doctrine is not a policy of aggression; it is a policy of self-defense." It was asserted when the United States was in danger of aggression from European powers, when the American states were weak. "But the achievements of the century have not altered the scope of the doctrine or changed its basis. It still remains an assertion of the principle of national security. As such it is obviously not exclusive."

Second. It is distinctively the policy of the United States and the United States reserves the right to define, interpret, and apply it. This government has not been disposed to submit to any other power or concert of powers the prerogative of defining and applying the principles of the doctrine. As President Wilson said, it "always has been and always will be maintained by the United States on her own authority." This implies neither suspicion nor estrangement, but is merely the assertion of the unhampered right of self-defense.

Third. "The Monroe Doctrine does not infringe upon the independence and sovereignty of other American states. Misconception on this point is the only disturbing influence in our relations with Latin-American states." We "utterly disclaim" any right to exercise overlordship over our sister republics or to "make our power the test of right in this hemisphere." Such misconceptions are a menace to us by "stimulating a distrust which has no real foundation."

Fourth. Modern conditions and recent events must



engage our attention. "We have grown rich and powerful, but have not outgrown the necessity . . . of safeguarding our future peace and security." The Panama Canal must be defended. Later it may be necessary to build and defend another canal. The American people are unanimous in opposition to allowing any foreign power to control the canal or the approaches to it or to obtain any position which would menace the freedom of our communications. So far as the Caribbean is concerned, if we had no Monroe Doctrine, it would be necessary to create one. The events of late years have occasioned much confusion of thought and misapprehension of purpose. The Monroe Doctrine does not exhaust American rights. The United States has rights and obligations which the Monroe Doctrine does not include and the unsettled conditions in certain Caribbean countries have "made it necessary to assert these rights and obligations as well as the limited principles of the Monroe Doctrine."

In 1898 we interfered in Cuba to abate a nuisance. We have assumed a protectorate there solely to preserve Cuban independence, assure a stable government able to protect life, property, and individual liberty, and to discharge the obligations imposed on the United States by the Treaty of Paris. We have assumed the rôle of "friendly adviser" . . . to encourage "the Cuban people to eliminate waste and corruption, to reduce public expenditures to the normal requirements of government, and to secure efficient administration."

For years anarchy reigned in Santo Domingo and Haiti. "An impotence resulting in the lessening of the ties of civilized society" made intervention neces-

sary and military government was established, but everything done there was done, not as has been falsely charged, to establish permanent control, but to restore order and the United States will welcome the day when she can withdraw her military forces. Her activity in Central America has had solely in view the "promotion of stability and tranquillity."

Fifth. The Monroe Doctrine does not stand in the way of Pan-American coöperation, but furnishes "the necessary foundation for that coöperation in the independence and security of American states." To promote that coöperation five Pan-American conferences have been held. The best results of these conferences are to be found, not in formal acts, "but in the generation of helpful and friendly interests which draw people together through a better mutual understanding."

Finally. The Monroe Doctrine is not an obstacle to world-wide coöperation "whenever that coöperation is congenial to American institutions." This government has always sought to promote the peaceful settlement of international disputes and the establishment of a permanent court of international justice to which the nations may voluntarily submit their disputes has been a distinct feature of its policy for many years.

"Our attitude is one of independence, not of isolation." Our people are still intent on keeping out of the political strife of Europe and will not "commit this government in advance to the use of its power in unknown contingencies," but they "do not shirk coöperation with other nations whenever there is a sound basis for it and a consciousness of community of interests and aim." Their coöperation will be the coöperation of a people of "liberal ideals, deeply concerned with the maintenance of peace and interested

in all measures which find support in the common sense of the country as being practicable and well designed to foster common interests.”<sup>1</sup>

With all due respect to Secretary Hughes I cannot forbear to say that, in my judgment, he has added little by way of definition and exposition to what has already been said by his predecessors. Perhaps it is well that he did not. He proclaims the Monroe Doctrine as a policy of self-defense and then proceeds to defend it by telling us what it is not. In fact the tenor of the whole address is defensive—Lady Macbeth still protests. It will be worth while to examine some of his statements.

No one will deny that the original Monroe Doctrine was a policy of self-defense and a very proper one, but a good many citizens of the United States, to say nothing of the Latin Americans whose minds Mr. Hughes is so anxious to disabuse, believe that it has been distorted into a policy of economic imperialism. Possibly they are mistaken, but it will take something more than protests to convince them of their error. Also, it will be hard to convince many of the Caribbeans and Central Americans, indeed, Latin Americans in general, that it does not infringe upon their sovereignty and independence as applied in recent years (Point 3), or that everything done in that region has been done solely to promote stability and tranquillity (Point 4). However, it is only fair to say that a few have thought so. As President Alessandri has recently had occasion to appeal to the Monroe Doctrine for protection against intervention by the League of Nations in the dispute with Peru over Tacna-Arica,

<sup>1</sup> N.Y. *Times*, Aug. 31, 1923, 1:3.

it is not surprising that he approves of it for the time being. Even *El Mercurio* (Santiago), which has not always spoken well of the doctrine, commenting on Mr. Hughes' speech, declared that intervention in Santo Domingo and Haiti was justifiable, but *El Nacion* declared that there was no basis for intervention in the Monroe Doctrine and that republics have been deprived of their sovereign rights. This paper also declares that the doctrine as upheld by the United States is a bar to Pan-American coöperation (Point 5),<sup>2</sup> Mr. Hughes to the contrary notwithstanding, and the proceedings of the fifth Pan-American Conference, which must be fresh in the memory of Mr. Hughes, certainly bear out this statement. Possibly it ought not to be, but what is and what ought to be often are two different things.

It may be difficult for the layman to find any connection between the Monroe Doctrine and the wish to "eliminate waste and corruption, to reduce public expenditures to the normal requirements of government," but waste and extravagance lead to debt and debt might lead to European intervention. However, when the Cubans read this part of the speech they must have smiled and asked why we did not begin at home. And the Caribbeans, if at all familiar with our history, must have wondered why we should be so solicitous about the payment of their debts while we had allowed certain territories and states to issue bonds recklessly and then repudiate them. But then no foreign power would dare to think of taking charge of the customs in any state of the Union to collect the bonds of its nationals.

<sup>2</sup> N.Y. *Times*, Sept. 2, 1923, I, 5:2.

Probably no one will deny that Americans are unanimous in opposition to allowing any foreign power to control the Panama Canal or its approaches (Point 4), but if the situation is so critical, why are France and England allowed to retain the islands which they now hold in that region? We bought the Virgin Islands because of their strategic importance as related to the canal. Could not England lay an equally valid claim to them because of their strategic relation to the defense of Jamaica and British Guiana?

The reservation of the right to define, interpret, and apply the Monroe Doctrine (Point 2) will make a strong appeal to the galleries, but it is nothing less than a cry for the maintenance of the old conditions of international anarchy which gripped the world before 1914 and led to the cataclysm of that year. The same may be said of the invocation for an "unhampered right of self-defense." Under no conditions except those of international anarchy can every nation formulate and pursue any and every sort of foreign policy, even under the name of self-defense, without any consideration of the wishes and policies of others. All foreign policies are for "defense." If the United States has the right to formulate and pursue its own policies of self-defense, even to the supervision and seizure of foreign territory, so have France and England and every other nation able to do it. This doctrine belongs to the age of Louis XIV and is of a piece with that which upholds the principle that "might makes right." This leads to conflict of policies, to war.

Most Americans will agree with Mr. Hughes on the policy of keeping out of the political strife of Europe and not committing "this government in advance to the use of its power in unknown contingencies," but



to say that our attitude is one of "independence, not isolation" (Finally), is to becloud the issue and disregard "modern conditions and recent events" to which Mr. Hughes himself has appealed. The changes of recent years have made isolation impossible, and absolute independence of action is unthinkable for any nation not a friend of international anarchy.

As Mr. Hughes has advised that we accept the International Court of Justice, naturally he has found no bar to this step in the Monroe Doctrine. Certainly this is true of any doctrine or policy so long as the court is restricted to cases voluntarily submitted to it.

## CHAPTER XXV

### SUMMARY AND CONCLUSION

In reviewing the history of the Monroe Doctrine we find that the non-colonization feature has been fairly well enforced, though not always. In about the first distinct case, that of the seizure of the Falkland Islands by Great Britain (1833), not even a protest was made. The only possible excuse for this rests on the somewhat shadowy claim of Great Britain to the islands. Later on we protested vigorously against British occupation of certain territories in Central America with only partial success. Here we had a special interest of our own to serve, getting a canal route, and we compromised rather than risk all by trial of battle. Great Britain and France both were kept out of Hawaii, questionable American territory, which we later annexed. No claim was ever made to Samoa as American territory and Great Britain and Germany were allowed to get a footing there without protest, though we were interested in the islands also.

When the Monroe Doctrine was proclaimed it was announced that we would not interfere with the reconquest of her colonies by Spain if she could accomplish it unaided. However, after they had secured their independence and been acknowledged as new states, we did object to her attempts to reconquer Peru (1864) and Santo Domingo (1861-64). Both in-

stances occurred when our Civil War was in progress, or our action probably would have been more precipitate.

When President Monroe gave out the doctrine against colonization he probably had in mind cases of forcible subjection. However, even before this, the idea had been expressed that we would not be indifferent even to a voluntary transfer of Cuba by Spain to any foreign power and opposition to this particular transfer was made known again and again. Objection was made even to pledging of the revenues of Cuba to secure a loan, fearing that this would give some foreign power a mortgage on the island which it might want to foreclose, but the revenues were pledged in spite of our opposition. Objection was also made to the transfer of St. Bartholomew by Sweden to Italy (1870) with success, and Europe was notified that no more American territory was subject to transfer to any European power. Yet eight years later no objection was raised when Sweden transferred St. Bartholomew to France.

Even voluntary cession by the country itself was banned by President Polk in the case of Yucatan (1844) and later the same position was taken with regard to cessions by Costa Rica and Honduras to Great Britain; also with regard to the cession of Mole St. Nicholas to Germany (1914). In the Lodge resolution this doctrine was extended to cover cession to any non-American power or even the making of large grants of land or harbor concessions which might lead to political interference. However, President Cleveland's words are capable of interpretation to mean that he would have raised no objection to cession by Venezuela to Great Britain. No such cessions of any kind have ever been made.

As a corollary to the non-colonization feature, President Monroe promised that we would never interfere with the existing European colonies. This was not seriously broken until we ejected Spain from Cuba and Porto Rico, though at times there has been a vociferous jingo demand for the annexation of Canada.

Europe was reminded that we had not taken part in, and did not propose to take part in, European wars and internal politics. Since 1823 we have participated in only one European war and that was not of our own seeking. We have participated in numerous non-political conferences and signed many non-political treaties. The first political conference in which we participated was the Moroccan Conference (1880). Since then we have participated in two relating to the partitioning of Africa, though ratifications of the treaties were accompanied by reservations. We also joined European powers in settling with China after the Boxer trouble. As a matter of course we participated in the peace conference at Paris, though the attempt to dictate terms in purely European affairs, if anything may any longer be said to concern one continent only, may easily be construed as out of keeping with the pledge not to interfere in the internal concerns of Europe. In the same category may be placed the pressure brought to bear on the Bolshevik government of Russia. No direct alliance has ever been made, but the agreement with Great Britain and Germany regarding Samoa turned out to be a dangerous entanglement. The League of Nations was denounced as an alliance and some of the irreconcilables and some of the friends of the League denounced the Washington Conference and the Pacific Agreement in the same terms.

But, while there have been some cases of interference, or near interference, in the internal affairs of Europe, more important, it seems, is the growing tendency to seek a hand in shaping international settlements and refusing to assume a corresponding responsibility. It may be that in the course of time the other powers will grow tired of this and will refuse to admit us to the council table to give advice and make demands, as at Lausanne, unless we share the responsibility of carrying out the determinations of the conference.

Europe was also told that it was our policy to recognize *de facto* governments as legitimate and to preserve friendly relations with all when possible with honor. It can hardly be said that the promise to recognize *de facto* governments has been faithfully kept. Dom Miguel, the usurping King of Portugal, had considerable trouble in securing recognition (1829), but Louis Philippe was promptly recognized. When the latter was overthrown the republic was promptly recognized, but there was delay in according recognition to the second empire. On the overthrow of Napoleon III the third republic was recognized, even before the French themselves had decided on a republic, but in 1910 recognition of the republic of Portugal was held up, very much to the annoyance of the *de facto* government, until its permanence was assured. When Constantine was forced out of Greece by the Allies the United States promptly recognized the new king, but when he was called back by popular vote we followed the Allies in refusing recognition. When again forced to abdicate he laid the blame on the United States for her refusal to recognize him. Following the first revolution in Russia a commission



was sent to recognize and advise with the new government, but when this was overthrown by the Bolsheviks we not only refused to recognize the new government, but continued to deal with the minister of the old government for years after its death. In Austria and Germany we helped to overthrow the old monarchies and promptly recognized and made peace with the new republican governments.

In the matter of recognizing new states there is little to criticize in the recognition of the Spanish-American states except that in some cases perhaps it was delayed a little longer than necessary. Madison favored recognition of Greece soon after its struggle for independence was begun, but no recognition was accorded until three years after Turkey had acknowledged its independence. Belgium was recognized soon after recognition by the powers which had joined her to Holland at the Congress of Vienna. In 1850 there was a very strong disposition to recognize the independence of Hungary, but the facts did not seem to warrant it. In 1917 we gave moral support to the disruption of the Austro-Hungarian Empire, promptly recognized Czechoslovakia and made peace with Hungary as a separate state. Poland and Finland were recognized on their separation from Russia, but Lithuania and Ukraine were not recognized until 1922, long after they had been admitted to the League of Nations.

As a corollary to our policy of non-interference, European powers were given to understand that they must not interfere in America, especially by any attempt to extend their political system. The only serious attempt at political interference was the adventure of France in setting up the empire of Maximilian in

Mexico. Protests were made, but, as we were then engaged in the Civil War, they could not be made effective. Soon after the Civil War closed they were made effective.

Some of our officials have interpreted the doctrine of non-interference to cover even cases of acting as arbiter in disputes between American states, but the general trend has been against this interpretation, and on several occasions Europeans have served as arbitrators, on at least one occasion on the initiative of the United States.

In the matter of intervention by joint action our policy has not been altogether consistent, but generally we have opposed joint action. In several cases we have declined to take joint action when requested by the European powers for interference in America. In 1860 we refused to join England and France in sending even identical notes to the contending factions in Mexico. In several cases we have protested against joint action by European powers, for example when Secretary Calhoun warned France not to join England in protesting against the annexation of Texas, but when France and England jointly blockaded Buenos Aires (1845-47) we offered no protest. Perhaps the widest departure from the policy of no joint intervention was the proposal of Secretary Fish (1875) to the European powers for joint action with us in intervention between Spain and Cuba.

Political interference may sometimes be achieved by threats or pressure. When Colombia complained that France was using pressure to secure the establishment of a monarchy in Bogota, Monroe declined to take any action, but when it seemed that England was trying to bring about the abolition of slavery in

Texas Secretary Calhoun let it be known that the United States might be forced to take measures of defense, and President Polk declared that any attempt on the part of France to establish a balance of power in America would be resisted "at all hazards." Polk's attitude toward "intervention or dictation, direct or indirect" in Peru was hardly less firm.

On the matter of collecting claims there has been a considerable change of attitude. At first we were indifferent to the attempts of European powers to collect claims. As late as 1859 Secretary Cass said we "assumed no right to sit in judgment upon the causes of complaint—nor upon the measures which may be adopted to obtain satisfaction," though warning was given against any permanent occupation of territory. The first suggestion for a receivership of customs seems to have come from Venezuela (1881) when she appealed to the United States against a threatened blockade by France. The proposition was that the United States should send a man simply to receive and pay out, not to collect, certain sums for foreign creditors. When France refused to agree to this, insisting on priority of her claims, Secretary Blaine simply appealed to her, using no sort of threats. When the McKinley administration allowed Germany to collect by force damages for a denial of justice Haiti asked for a new treaty giving her protection, but Secretary Sherman declined to consider it.

From that time on our policy has been different. The beginning of the new policy is seen in our attitude toward Cuba, including the Platt amendment. The next administration carried on a more vigorous policy, forcing the arbitration of claims against Venezuela (1902) and a little later taking over the customs

of Santo Domingo (1905-7), Nicaragua (1911), and Haiti (1915). This was done partly to prevent European intervention, partly to satisfy American creditors and adventurers. In two cases since 1900 European powers have been allowed to act for themselves, in 1902 when Germany was allowed to chastise a Haitian warship for searching a German steamer, though Germany was not allowed to occupy any territory, and in 1913 when England was allowed to force Guatemala to restore certain customs pledged for the payment of English bondholders.

One feature of the Monroe Doctrine which is overlooked by most people is the pledge that we will leave the Latin-American countries to themselves. The beginning of the end of this policy is seen in the protocol and convention (1905-7) by which we took over the receivership of customs in Santo Domingo, Nicaragua (1911-16), after a long drawn out struggle with the Senate for ratification, and Haiti (1915). Foreign powers were told in very positive terms that they could have no share in this, however much their nationals claimed. In Haiti and Santo Domingo this was followed up by taking over all the revenues and the establishment of military government when they resisted. For the termination of military occupation the administration at Washington prescribed its own terms. Political imperialism was seen in Panama and was feared in the other countries.

The promise to recognize the *de facto* governments of Europe was not specifically extended to America, but Monroe probably had no other course in mind. Until recent times, except in the case of Maximilian in Mexico, this policy has been followed. The policy of recognizing whatever government suited our policy

and sometimes interfering to set up such a government when the *de facto* government did not conform to our wishes, may be said to have been started by President Roosevelt when he recognized the revolutionary government of Panama. It was followed by President Wilson, who refused to recognize the bloodstained government of Huerta, though it was decidedly *de facto*, and of Obregon because it was unsatisfactory to American capital, but recognized the bloodstained government of Cabrera in Guatemala and of Diaz in Nicaragua and overturned governments in Haiti and Santo Domingo. A fleet was actually sent to support Americans who were defying the *de facto* government of Mexico.

In the course of our protection and regulation of the Caribbean states loans have been forced upon Santo Domingo, Nicaragua, and Haiti, some of them at high rates, although guaranteed by the United States, and foreigners were given to understand that this was a field for American capital, particularly, that it would look after the exploitation of oil fields here and in Mexico and Colombia.

In such interference some have seen the sinister shadow of economic imperialism. As we objected to European interference on the ground that economic and fiscal control would lead to political control, it is not strange that the Latin Americans have visioned American political imperialism as a natural result of our economic and financial control.

While the original Monroe Doctrine was proclaimed out of self-interest, it undoubtedly has served a useful purpose for the western hemisphere. But why maintain it to-day? The political system which we feared in 1823 has disappeared from Europe. If we have



anything to fear on that score now, it is not from monarchy, but from Bolshevism. Now Bolshevism spreads mainly by propaganda, not by conquest, and the existing governments of Europe outside of Russia have more cause to fear than we have. As for colonization, the population of Europe has decreased so much recently that years must pass before there will be any real need of more room for surplus population. It is true that before 1912 some of the nations of Europe would have been glad to acquire coaling stations for naval and commercial purposes. With the gradual disarmament started at the Washington Conference the need of naval fuel stations will decrease. Merchant vessels need fuel and no nation has a right to monopolize such stations in any part of the world and deny fuel to the vessels of other nations, whether it be the British in the East Indies or the United States in the Caribbean. Such a policy leads to larger navies and to war.

Then we must remember that at no time prior to 1914 was the United States able to maintain the Monroe Doctrine against a united Europe. In 1823 it is doubtful if we could have upheld it against the Holy Alliance, or any two of them, without the aid of England, whose interest in it grew out of her pocketbook, while ours arose from fear. It is very doubtful if President Cleveland could have upheld it against England in 1895, had she seen fit to test it by the sword. While the doctrine has been acknowledged several times tacitly by the European powers, it never was formally recognized by them until the reservation concerning it was put into the Covenant of the League of Nations and this was done in the hope of bringing the United States into the League. Even then

France very unwillingly assented to this unilateral doctrine of the United States.

Some who favor the maintenance of the Monroe Doctrine by the United States hold that it is the same to-day that it was in 1823. They admit that we now do many things in its defense never dreamed of by Monroe, but say that changed conditions have made this necessary. Owing to the policy of European nations of following up their nationals and giving them protection it becomes necessary, they claim, for us to step in and say that we will do the interfering in order to give them protection and so prevent political interference. They assume that we must now either wield the big stick, or else give up the Monroe Doctrine and let European nations wield the stick.

There is in this what the logicians call a non-sequitur. It would be very simple for us to say we shall not go in to regulate, neither shall you when your nationals force their way into these countries or accept an invitation to come in. They know in advance what to expect and must take the consequences. Inasmuch as we do not make the states of the Union pay their debts to foreigners—several have defaulted and their bonds are worthless—we certainly would present a strange spectacle of inconsistency in forcing the Caribbean states to pay.

Some one objects that these nations have splendid resources which the natives are not using and which the more advanced nations want and need. Possibly the descendants of the natives may one day become "advanced" and want them, but what will they do if the "advanced" nations have in the meantime used them up? Besides, assuming that there is nothing selfish in the present day Monroe Doctrine, that the

United States is not using it as a cloak to imperialism, then this attitude smacks of sublime egotism. It assumes that Divine Providence, recognizing our unselfish character, has appointed us guardians of these treasures in fear that the selfish nations of Europe are not wise enough to know what is good for backward peoples and will use the resources for their own selfish ends.

Now the Latin Americans have manifested a fear that we are not altogether unselfish in our maintenance of the Monroe Doctrine for their good and a doubt that Divine Providence has constituted us a guardian for them for all time. They seem to think it time to abandon the unilateral means of enforcement for a coöperative method on terms of equality. Within certain bounds this demand is reasonable and just. There are several Latin-American countries whose opinion and counsel are deserving of the utmost respect, but there are limits to this matter of equality. Writers on international law invented the fiction of equality and it has served some useful purposes. They are equal in the right to be heard, but to say that a small state like Uruguay, however advanced it may be, shall have at the council table a voice equal to that of the United States or Argentina is absurd. It is undemocratic.

The proposition for an American league when put on the proper basis is not unreasonable. It was in keeping with this idea that Lord Robert Cecil proposed (1922) to the Council of the League of Nations continental associations to deal with continental questions. That is all very well, but it hardly touches the Monroe Doctrine, which is essentially inter-continental. But the proposed American league can handle

purely American questions and it can meet the European League on inter-European-American questions.

Granting that a change in conditions has justified a change in policy, the question naturally arises whether we have gone far enough in that change. Supposing that the fundamental principles of the Monroe Doctrine are the same to-day that they were in 1823—to keep our eyes open for our own safety and only incidentally to look out for the safety of those to the south of us—even if we must still look out for our own safety, we must now face the question whether that safety can still be best promoted by a policy of isolation when changed conditions now compel us to rub elbows with nations that were remote in 1823. But must those principles always remain the same? Will not changed conditions also affect principles? If we were as weak to-day, compared with other nations, as we were in 1823, then there would be some excuse for the principles to remain unchanged—to look out for ourselves first, for others only incidentally. But power brings responsibility and the time has come when we may well begin to ask whether we are not now strong enough, and under a moral obligation, to take more thought for others, not quite so much for ourselves.

If any reader has followed the presentation of facts and the trend of the discussion from beginning to end, he will hardly infer that the author favors the utter abandonment of the Monroe Doctrine. Such is not the case. If the world is to go on in the old way, each nation for itself, getting all it can, and letting the devil take the hindmost, then we should by all means hold to the Monroe Doctrine and turn it to our advantage in economic and political imperialism. But such is not the true American spirit, and we believe

that there are other nations which share our desire for a world in which the larger nations will have some regard for the rights and wishes of others, a world in which no one nation shall dominate and give law to half of the earth, but in which there shall be a mingling of counsel for the common good. What would we think and do if Japan were to say to us, "You ought to get out of Haiti and Nicaragua." Yet we tell Japan to get out of China and Siberia and proceed to arrange with her and other nations the tariff of China without consulting the Chinese about it. Now if, instead of a treaty by which each guaranteed to the other its island possessions in the Pacific, the Washington Conference had turned over to the nations represented there treaties of renunciation, promising to get out of territories where they have no right and to let such countries alone in the future and had left the way open for other powers to sign, then we could have felt that the world was making progress. But that was too much to expect at this stage of the world's development. We have promised not to make any more aggressions at each other's expense; perhaps the next step will be for the "advanced" nations not to "advance" any more at the expense of the weaker nations, and mutually to pledge themselves to restrain anyone who does. When that day arrives, the Monroe Doctrine will not have been abandoned, but will have become what Woodrow Wilson sought to make of it, the guiding principle of action for the nations of the earth. Will another hundred years see the realization of this?





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